

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

106+227

**CM No.8664-CWP of 2019 in/and
CWP No.13167 of 2019**

Date of Decision : 29.05.2019

**SMT. SANTRA DEVI COLLEGE OF EDUCATION, VILLAGE & POST
SAMASPUR, TESHIL CHARKHI DADRI, DISTRICT BHIWANI.**

....PETITIONER

V/S

**STATE OF HARYANA THROUGH FINANCIAL COMMISSIONER-
CUM-PRINCIPAL SECRETARY, HIGHER EDUCATION
DEPARTMENT, CHANDIGARH AND OTHERS**

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Praveen Gupta, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana
for respondent No.1/*State*.

Mr. Deepak Manchanda, Advocate for respondent No.2.

Mr. Rishabh Gupta, Advocate for respondent No.3.

B.S. WALIA, J. (ORAL)

CM No.8664-CWP of 2019

CM is ***allowed*** subject to all just exceptions. Annexures P-24 to P-26 are taken on record.

CWP No.13167 of 2019

[1] Grievance of the petitioner-College is that initially it was affiliated with Chaudhary Ranbir Singh University i.e. respondent No.3, however, vide notification dated 21.06.2017 (Annexure P-5), the affiliation of the petitioner-College was transferred to respondent No.2 i.e. Chaudhary Bansi

Lal University. The aforementioned notification was challenged by the petitioner by way of CWP No.28746 of 2018. Operation of the impugned notification (Annexure P-5) was stayed by Hon'ble the Division Bench vide order dated 14.11.2018, as a result thereof, the affiliation of the petitioner-College continues to remain with Chaudhary Ranbir Singh University, therefore, examinations of the students of petitioner-College are also to be conducted under the control and supervision of Chaudhary Ranbir Singh University. However, despite operation of notification (Annexure P-5) having been stayed by Hon'ble the Division Bench of this Court, Chaudhary Ranbir Singh University is refusing to conduct the examination on the ground that the petitioner-College had submitted the registration details of all its students of B.Ed. Part-II along with the requisite fee to the Chaudhary Bansi Lal University in September 2018 in order to enable issuance of Roll Numbers to the students of the petitioner-College to enable them to appear in the examination of B.Ed. Part-II while respondent No.2 is refusing to issue the Roll Numbers on the ground that the notification (Annexure P-5), transferring the affiliation of petitioner-College from Chaudhary Ranbir Singh University to Chaudhary Bansi Lal University has been stayed vide order of the Division Bench of this Court dated 14.11.2018.

[2] Learned counsel contends that in the circumstances, directions are liable to be issued to the Chaudhary Bansi Lal University to transfer the data of the students of the petitioner-College as also the examination fee received by it from the petitioner-College to the Chaudhary Ranbir Singh University in order to enable the Chaudhary Ranbir Singh University to issue Roll Numbers/Admit Cards to the students of petitioner-College as also to conduct their examination

[3] Mr. Deepak Manchanda, Advocate, appearing on behalf of respondent No.2 states that the examination forms as well as all data in respect of the students of the petitioner-College as has been received by the respondent-Chaudarhy Bansi Lal University would be transferred to the Chaudhary Ranbir Singh University by 30.05.2019 in order to enable the Chaudhary Ranbir Singh University to conduct the examination in view of notification, transferring the jurisdiction *qua* the petitioner-College to the Bansi Lal University having been stayed by a Division Bench of this Court in CWP No.28746 of 2018. The same satisfies learned counsel for the petitioner and respondent-Chaudhary Ranbir Singh University. As regards, the claim for payment of examination fee by the Chaudhary Bansi Lal University as was received by it from the petitioner-College to the Chaudhary Ranbir Singh University, learned counsel for the parties are in agreement that the amount received by Chaudhary Bansi Lal University from the petitioner-College on account of examination fee would be remitted by the Chaudhary Bansi Lal University along with the data of the students to the Chaudhary Ranbir Singh University by 30.05.2019 but the question as to whether respondent No.2 is to be allowed to retain the entire money received by it from the petitioner-College on account of examination fee or any part of it would be subject to the outcome of CWP No.28746 of 2018.

[4] In the light of the position as noted above, the writ petition is ***disposed of*** by directing respondent No.2 to transfer all the data of the students of the petitioner-College along with the examination fee as received by it to respondent No.3 by 30.05.2019 in order to enable respondent No.3 to process the data for issuance of Roll Numbers/Admit Cards to the eligible candidates

No.3/University to conduct the examinations of students of B.Ed. Part-II of petitioner-College, as well as of re-appear candidates of the petitioner-College in view of the notification, transferring the jurisdiction *qua* the petitioner-College from respondent No.3 to respondent No.2 having been stayed by a Division Bench of this Court in CWP No.28746 of 2018.

[5] The question whether respondent No.2 would be entitled to the examination fee received by it from the petitioner-College or any part of it would be dependent upon the outcome of CWP No.28746 of 2018.

[6] The writ petition is **disposed of** in the aforementioned terms.

[7] Copy of this order be given to the learned counsel for the parties under the signatures of the *Bench Secretary* of this Court.

(B.S. WALIA)
JUDGE

May 29, 2019
'Rajneesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No