

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

CWP No.14267 of 2019

Date of Decision : 29.05.2019.

Haryana Self Finance Private College Association. ...Petitioner

Versus

Haryana School Education Board, Bhiwani and others. Respondents

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

Present: Mr. R.S. Malik, Senior Advocate with
 Mr. Digvijay Singh, Advocate for the petitioner.

Mr. K.K. Gupta, Advocate for respondent No.1.

B.S.WALIA, J. (Oral)

1. Grievance of the petitioner association is that respondent No.1 has vide Annexure P/6 raised a demand of ₹2 Lakh on account of affiliation fee for D.Ed. Institution from the Principal, B.R.M. College of Education, Gharaunda, Karnal and that in case of failure to deposit the aforementioned amount within 20 days of issuance of communication result of 1st and 2nd year students of the institute will be withheld. In the aforementioned background, prayer is for the issuance of a writ in the nature of Certiorari for quashing communication/letter Annexure P/6, dated 17.01.2019, vide which demand of ₹2 Lakh on account of provisional affiliation fee has been raised from each member of D.Ed. colleges of the petitioner association.

2. Learned Senior counsel contends that the members of the petitioner association already stand affiliated with the State Council of Educational Research & Training, Haryana (hereinafter referred to as 'SCERT') pursuant to grant of recognition by the National Council for Teachers Education (hereinafter referred to as 'NCTE') on payment of appropriate affiliation fee to the SCERT in the year 2008-2009. Learned counsel contends that vide communication/letter Annexure P/6 dated 17.01.2019, respondent No.1 raised demand of provisional affiliation fee of ₹2 Lakh from each of the member of the D.Ed. colleges of the petitioner association.

3. Learned counsel contends that although initially affiliation to the members of the petitioner association was granted by the SCERT but subsequently the function of affiliation was entrusted by the Government vide notification dated 06.07.2009 to the Maharishi Dayanand University, Rohtak/Kurukshetra University, Kurukshetra and thereafter to the Board of School Education Haryana, Bhiwani. Learned counsel contends that on the MDU/KUK demanding affiliation fee from the members of the petitioner association, CWP No.362 of 2010 was filed challenging the demand and the same was decided in favour of the petitioner's association and LPA against the same was also dismissed. Likewise review in LPA filed was also dismissed.

4. Learned Standing counsel for respondent No.1 has not filed any reply. (Learned counsel contends that the petitioner association comprises of 39 colleges functioning in the State of Haryana and that each member of the association was allegedly granted recognition by the NCTE,

where after each member of the association allegedly got affiliation from the SCERT, however, except for recognition (Annexure P/2) granted by the NCTE in the case of Shaheed Capt. D.K. Khola College of Education, Zainabad, Rewari, no documentary proof with regard to grant of recognition of the other members of the petitioner association has been attached except for details in respect thereto as given in Annexure P/1. Likewise, apart from mentioning that the members of the petitioner association got affiliation from SCERT no details with regard to the dates on which the affiliation was granted by the SCERT to the members of the petitioner association have been set out in the writ petition nor any documentary proof in respect thereto has been attached. Learned Counsel contends, that despite the aforementioned shortcomings, the matter can be disposed of without entering into the question of maintainability of the writ petition, in case the members of the petitioner association submit proof of affiliation of the respective members/colleges by the SCERT as also proof of deposit of affiliation fee with SCERT, whereupon the same would be verified by respondent No.1 and thereafter, appropriate decision would be taken with regard to the claim of the members of the petitioner association that once having paid affiliation fee, they are not liable to pay affiliation fee afresh since it is not a case of fresh affiliation but only of continuation of affiliation.

5. The stand of learned counsel for the respondents satisfies learned counsel for the petitioner.

6. In the light of the position as noted above, the writ petition is allowed. Impugned letter/communication annexure P/6 dated 17.01.2019 is

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set aside. Members of the petitioner association are directed to submit representation along with documentary proof as sought for by learned counsel for the respondents and as has been referred to above, where after, fresh decision would be taken by the competent authority with regard to the claim for charging of affiliation fee. Charging of fee as demanded would depend on the outcome of decision taken by the competent authority. Needful be done by both the parties at the earliest.

(B.S.WALIA)
JUDGE

29.05.2019
rajesh.k.khurana

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