

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

329

CWP No.16708 of 2019

Date of Decision : 09.09.2019

Shaheed Capt. D.K. Khola Educational and
Charitable Trust, Zainabad, District Rewari.

....Petitioner

v/s

The State of Haryana and others

....Respondents

Coram : **Hon'ble Mr. Justice B.S. Walia**

Present: Mr. Pankaj Maini, Advocate for the petitioner.
 Mr. Pankaj Mulwani, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Challenge in the writ petition is to Order (Annexure P-4) dated 15.11.2018, withdrawing the provisional NOC (Annexure P-1) dated 23.06.2015 issued to the petitioner-Institute to run under graduate classes.

[2] Learned Deputy Advocate General, Haryana, states that the NOC (Annexure P-1) dated 23.06.2015 was withdrawn vide Order (Annexure P-4) dated 15.11.2018 on account of failure of the petitioner to renew the Bank Guarantee of ₹1 Crore, as also endowment fund of ₹5,00,000/- despite grant of relaxation in time for depositing the same.

[3] Learned counsel for the petitioner has referred to Annexure P-6 dated 13.03.2019 vide which, representation was made to the Director Higher Education, Panchkula, Haryana, informing that an application was submitted by the petitioner on 03.12.2018, whereupon case file of the petitioner was forwarded to the Director Higher Education vide file No.9/21-2016-CII(3) Superintendent College II Edu (Higher) 01/01/2019 9/21-2016-C-II(3) but thereafter the case file

was not traceable. Request was made to trace out the file and grant permission to

deposit the Bank Guarantee but no response was received from the respondent despite lapse of sufficient period of time. Learned counsel further states that the petitioner is willing to complete formalities by renewing the Bank Guarantee of ₹1 Crore, as also endowment fund of ₹5,00,000/-.

[4] Learned Deputy Advocate General Haryana, states that in case the shortcomings which led to passing of Order (Annexure P-4) dated 15.11.2018 are removed, then the claim of the petitioner for renewal/extension of NOC would be considered as per rules & regulations applicable. The same is acceptable to learned counsel for the petitioner.

[5] In the light of the position as noted above, the writ petition is ***disposed of*** by granting liberty to the petitioner to remove the shortcomings, which led to passing of Order (Annexure P-4) dated 15.11.2018. On removal of the shortcomings, the respondents would consider the claim of the petitioner for renewal/extension of NOC for running of under graduate classes as per policy/rules & regulations applicable, as expeditiously as possible, preferably within a period of 10 days from the date of completion of formalities.

[6] In view of request of learned counsel for the petitioner, copy of the order attested under the signatures of the Bench Secretary be supplied to the learned counsel for the petitioner.

(B.S. Walia)
Judge

September 09, 2019

'Rajneesh'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No