

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

220

CWP-40309-2018 (O&M)
Date of Decision: 27.11.2019

Manisha Duggal and others

--Petitioners

Versus

Universal Education Society and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr.Rahul Bhargava, Advocate
for the petitioners.

Mr.R.S.Kalra, Advocate
for respondents No.1 to 3.

Mr. Gajender Singh, Advocate
for respondent No.4.

TEJINDER SINGH DHINDSA.J.

Petitioners who are 23 in number have filed the instant writ petition seeking a mandamus directing the respondents to issue to them roll numbers to facilitate their participation in the final exams for B.Ed. that was scheduled to commence w.e.f. 24.12.2018.

The writ petition came up for preliminary hearing before this Court on 21.12.2018 and while issuing notice of motion, the following order was passed :

“It has been pleaded that the petitioners were admitted to the B.Ed. Course in the respondent No.3-College which in turn is affiliated with Punjabi University, Patiala, in July

2018.

The precise grievance raised in the instant petition is that inspite of having attended the classes throughout and having paid the requisite examination fee, roll numbers have not been issued to facilitate the petitioners to appear in the B.Ed. examination, which is going to commence on 24th of December 2018.

The instant petition is completely bereft as regards the essential eligibility for admission to the B.Ed. course as also the qualification possessed by the petitioners.

Be that as it may, it is the categoric submission made by learned counsel that the qualification prescribed in the prospectus that had been issued by respondent No.3-college for admission to the B.Ed. course was to possess a graduation degree from any stream. Further submitted that each one of the petitioner possessed a graduation degree from a recognized University.

Notice of motion returnable for 24.12.2018.

Process Dasti.

It has been made clear that in case the contention raised by learned counsel is found to be false, the instant petition would be liable to be dismissed with exemplary costs.

A copy of this order be given to learned counsel for the petitioners under signatures of the Bench Secretary.”

In the writ petition, the case projected on behalf of the petitioners was that respondents No.2/3-Colleges/Institutes are being managed by a common society and such Institutes are affiliated to Punjabi University, Patiala. It has been averred that the petitioners applied for

admission for the B.Ed. course with the private Institutes under management quota seats for the session 2018-19. Admission had been applied for under the management quota seats. Categorical assertion is that applications of the petitioners having been scrutinized and they having been found to be eligible, were admitted to the course. The requisite fee is stated to have been deposited and the petitioners even attended the classes regularly.

It is argued on behalf of the petitioners that without any justifiable basis, the roll numbers are not being issued to them and thereby putting their career at stake.

A short reply to the petition has been filed on behalf of respondents No.1 to 3. In the written statement, it is submitted that for admission to the B.Ed. course, the State of Punjab, Department of Higher Education issued a notification dated 17.04.2018 vide which Punjab University, Chandigarh was appointed the nodal agency to conduct the common entrance test and centralised counselling for purposes of admission to the B.Ed. course for the session 2018-19. The common entrance test was conducted in the month of July 2018 and the result thereof was declared on 11.07.2018. The 1st online counselling was thereafter conducted from July 12th to July 23rd, 2018 and the 2nd online counselling was conducted from 31st July to August 2nd, 2018. For the left over seats, the colleges were at liberty to advertise the management quota seats and to fill up the same between August 10 to 13, 2018. The last date for seats to be filled up under the management quota was 17.08.2018.

In the written statement, the categorical stand taken is that the petitioners had never applied for admission under the management quota

seats. They had never been admitted to B.Ed. course and no fee at any stage was accepted from them.

As regards deposit of fee is concerned, response from the side of respondents No.2 and 3-Institutes is that certain drafts had been sent by an intermediary namely Mr. Virat, who runs the Saraswati Educational Group, Amritsar and the amount reflected in such drafts was in lieu of the fees for certain candidates who had sought admission to the B.Ed. course through the Saraswati Educational Group.

The reply on behalf of the respondent-Institutes was filed in January 2019 and a copy had been furnished to counsel for the petitioners. In spite of a time period of more than 10 months having elapsed, no rebuttal to the stand taken in the written statement in the shape of rejoinder has been filed till date.

Having heard counsel for the parties and having perused the pleadings on record, this Court is of the considered view that the instant petition raises questions of fact.

On the one hand, there is a categorical denial on behalf of the respondent-Institutes as regards the petitioners being admitted to the B.Ed. course for the session 2018-19. On the other hand, even though counsel for the petitioners would vehemently argue that admission was granted in the B.Ed. course against the management quota for the session 2018-19, yet the averments and necessary pleadings to corroborate the same are lacking. No dates are forthcoming as to when and on what date the applications had been submitted by the petitioners for admission to the B.Ed. course under the management quota seats. Even the date on which counselling for management quota seats was done is not forthcoming. It

has not even been averred in the petition that the petitioners have participated in the counselling pertaining to the management quota seats. The last dates stipulated for filling up the management quota seats was 17.08.2018, whereas the drafts and payments of fee is stated to be between the dates of 06.09.2018 till 06.11.2018.

Pleadings in the writ petition do not make out a clear case of admission of the petitioners to the B.Ed. course. The stand taken on behalf of the respondent-Institutes as regards their being no admission has not been rebutted. There would be no occasion for this Court as such to embark upon a roving inquiry into the matter.

No intervention at the hands of this Court in exercise of its extraordinary writ jurisdiction is made out.

The writ petition is dismissed.

The pending application (s), if any, shall stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.11.2019
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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No