

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

CWP-1746-2020 (O&M)

Date of Decision: March 06, 2020

GURU GOBIND SINGH KHALSA COLLEGE AND ANOTHER

..... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sameer Sachdeva, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl. AG, Punjab
for respondent no.1.

Mr. Rahul Sharma-I, Advocate
for respondent no.2.

LISA GILL, J.

This writ petition has been filed for setting aside order dated 16.01.2020 (Annexure P-12) whereby management of the Guru Gobind Singh Khalsa College, Sarhali, District Tarn Taran has been dissolved and the Additional Deputy Commissioner, Tarn Taran has been appointed as Administrator of the College.

The said action is purported to have been taken on the basis of the inquiry report dated 12.09.2019 (Annexure P-14). As per the said inquiry report, allegations of not releasing the grant to the teachers was found to be correct and it is in this view of the matter that the Committee (constituted as per order dated 25.06.2019, passed by the Director, Education Department (Colleges), Punjab), recommended the State of Punjab to take appropriate action against the management of the college as per Rules.

Learned counsel for the State submits that the action of dissolving the management of the college has been taken under Section 9(a) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974, which reads as under:-

“Section 9(a). Non-compliance with order or direction - If any Managing Committee fails to carry out any order of the Educational Tribunal or any direction of the Director under this Act, the State Government may take such action as it may think fit including stoppage of grant-in-aid.”

Non release of the grant-in-aid has been denied. However, it is submitted that grant-in-aid being afforded to the College for the salaries was stopped on 07.02.2019.

Learned counsel for respondents no.1 & 2 are unable to deny that the impugned order 16.01.2020 (Annexure P-12) has been passed without issuance of any notice to the petitioners. Learned counsel for respondents no.1 & 2, on telephonic instructions from Mr. Rahul Bhandari, I.A.S., Principal Secretary, Higher Education, Punjab, submits that liberty be afforded to the said respondents to pass fresh orders after giving due opportunity of hearing to the petitioners.

Keeping in view the specific stand of respondents no.1 & 2 but without expressing any opinion on the merits of the case, order dated 16.01.2020 (Annexure P-12) is set aside with liberty to the authorities to pass orders afresh, in accordance with law, after affording due opportunity of hearing to the petitioners/concerned persons. Needless to say, in case, an adverse order is passed against the petitioners, they shall be at liberty to challenge the same in accordance with law.

As the present petition stands decided as above, no separate orders are required to be passed in pending applications, if any.

(LISA GILL)
JUDGE

06.03.2020
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No