

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CWP No.12615 of 2020
Date of Decision: 25.09.2020

Rao Pahled Singh Degree College

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.P.Sharma, Advocate, for
for the petitioner.

Mr. Kuldeep Tiwari, Advocate,
for the respondent University

Mr. R.K.S. Brar, Addl. A.G. Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks issuance of a writ, order or direction, especially in the nature of '*certiorari*', quashing the impugned orders/letters dated 15.07.2020 and 11.08.2020 (Annexures P-6 and P-8 respectively), whereby respondent no.5 has (allegedly) wrongly denied affiliation to the petitioner, to start the Masters courses for the academic session 2020-2021. The petitioner also seeks issuance of a writ in the nature of '*mandamus*', directing respondents no.3 to 5 to grant the affiliation and necessary approval for starting post-graduate courses for the session 2020-2021 in the petitioner college.

On 23.09.2020, the following order had been passed:-

*“All cases listed today have been taken up
for hearing by way of video conferencing because of
the situation existing due to the COVID-19 pandemic.”*

A reply of the respondent University having been filed, Mr.Tiwari, learned counsel appearing for the University, submits that the last date for accepting applications for affiliation to the University, even with 100% late fee, was April 30, 2020, with the application of the petitioner college having been received on July 07, 2020 and that too without any late fee.

Mr. Sharma, learned counsel for the petitioner, on the other hand submits that the delay of slightly over two months and one week was on account of the lock-down that took place on March 23, 2020, with the petitioner having purchased the relevant stamp paper on March 19, 2020, but with the bank having furnished the guarantee only on April 21, 2020 (because of the lock-down). Thereafter the petitioner applied to the Haryana Government for a 'no objection certificate' on April 27, 2020, but with the Government having furnished that certificate only on June 30, 2020.

As regards non-payment of late fee alongwith the application dated July 07, 2020 made to the University he submits that it was actually the University that was to assess the fee, after which it was to be paid.

The Vice-Chancellor of the University is directed to file an affidavit stating therein that as to whether applications as have been received from colleges in the past (including this year), are accompanied with the relevant fee and if so, the amount of such fee that was to be furnished by April 30, 2020; or whether, upon an application being received, the fee is to be assessed and thereafter furnished by the applicants.

In support of whatever contention is made

in the affidavit, applications of other colleges made before December 31, 2019 and thereafter, shall be annexed with the affidavit of the Vice-Chancellor.

Adjourned to 25.09.2020.

Similar applications made even for the previous session shall also be annexed with the affidavit of the Vice-Chancellor.

The affidavit of the Vice-Chancellor, as also the written statement of the State, may be sent by e-mail to the Registry, with liberty also granted to send it to the Reader of this court directly, in view of the fact that a very short date is being given by this court for further hearing, because the affiliation has to be granted before October 01, 2020, if at all it is to be granted.”

Pursuant to that order passed by this court, an affidavit of the Vice-Chancellor of the respondent University has been sent by way of 'Whatsapp' communication to the Reader of this court by Mr. Tiwari, learned counsel appearing for the respondent University, as also to learned counsel for the petitioner.

A perusal thereof shows that vide a circular issued on February 08, 2018, addressed to all Principals/Directors of Colleges/Institutes, it is shown that provisional affiliation fee for new colleges/institutions is Rs.3,00,000/-, with Mr. Tiwari submitted that the circular already stood uploaded on the website of the University.

Hence, even if the petitioners' contention with regard to the delay in the application filed being on account of the COVID-19 pandemic, is to be accepted, factually it being admitted that the fee of Rs.3,00,000/- was not paid alongwith the application dated July 07, 2020, the application cannot be said to be

complete, and therefore would not be entertainable.

Mr. Sharma, learned counsel for the petitioner, on the other hand submits that the respondent University has also granted affiliation to other institutions after April 30, 2020.

Whereas that may be a fact, however on specific query to him as to whether those applications were accompanied with the prescribed fee or not, he is unable to answer.

That being so, with the circular annexed with the affidavit of the Vice-Chancellor having been in existence since February 2018, in the opinion of this court, the petitioner can have no excuse to not have submitted the prescribed fee alongwith his application dated July 07, 2020 and hence, the contention that the delay was on account of the COVID-19 pandemic, would not be sustainable.

Had, of course, the prescribed fee been paid alongwith the said application, that would have been a different matter altogether.

Keeping in view the above, I see no ground to further entertain this petition which is consequently dismissed.

Naturally, if the petitioner applies afresh for affiliation for the next academic session, that application would be considered on its own merit by the respondents.

The affidavit submitted by Mr. Tiwari today, as also replies/affidavits filed earlier by the State and the University, are ordered to be taken on record.

September 25, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes