

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

CWP No.12480 of 2013 (O&M)

Date of decision: 26.02.2020

**Managing Committee, Guru Gobind Singh College, Sanghera, Barnala,
District Barnala, through its President, Sh. Bhola Virk.**

.....Petitioner

V/s.

State of Punjab and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Pawan Kumar, Senior Advocate with
Mr. Surya Kumar, Advocate,
for the petitioner.

Ms. Anu Chatrath, (Senior Advocate),
Additional Advocate General, Punjab, with
Ms. Gunkirat Kaur, Assistant Advocate General, Punjab.

Sanjay Kumar, J. (Oral)

The petitioner is the Managing Committee of Guru Gobind Singh College, Sanghera, Barnala District. By way of this writ petition, it seeks a direction to the authorities of the State of Punjab to release the arrears of grant-in-aid due to it, including the fee-claims made in relation to SC/BC students, aggregating to ₹66,13,442/- along with interest.

Mr. Pawan Kumar, learned Senior Counsel appearing for the petitioner College, would however inform this Court that after the institution of this writ petition, the claims of the petitioner College mounted in relation to each academic year and the total claim would be over ₹2.5 crore as on date. He would state that the details of the claims are set out at

length at page No.140 of the petition.

Perusal of the record reflects that the State authorities have been raising one or the other objection in relation to the claims made by the petitioner College and this has led to copious exchange of affidavits.

Ms. Anu Chatrath, learned Additional Advocate General, Punjab, appearing for the respondent authorities, would inform this Court that there are various issues that need to be considered and addressed in the context of the claims made by the petitioner College.

Given the nature of the dispute, this Court is of the opinion that resolution thereof would not be possible by way of an adjudication based of the affidavits filed in this writ petition. Such disputed issues, sourced in the factual realm, would not be judicially manageable under Article 226 of the Constitution. It would therefore be appropriate that a Committee of responsible State officials looks into all the concomitant issues, affords full opportunity of hearing to the petitioner College to put forth its stand and thereafter take a decision. Both the learned Senior Counsel are agreeable to this mechanism being adopted to end this dispute.

The writ petition is accordingly disposed of directing the State of Punjab to constitute a Committee, comprising the Principal Secretary, Department of Higher Education; the Director of Public Instructions of Colleges, Punjab; the Secretary, Social Welfare Department of the State of Punjab; a senior member of the Audit Department of the State; and the Principal of the Government College, Malerkotla, as the Nodal Officer. The President of the Management Committee of the petitioner College, assisted

by his Chartered Accountant, shall be permitted to present all the claims before the Committee and justify the same with supporting material and documents.

The Committee shall deal with each of the claims made by the petitioner College on its own merits and take a decision thereon, after giving full opportunity to the representatives of the petitioner College to explain their stand and justify each such claim made by the petitioner College.

This exercise, in its entirety, shall be completed expeditiously and in any event, not later than three months from the date of receipt of a certified copy of this order.

No order as to costs.

26.02.2020
rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking	:	Yes/no
whether reportable/non reportable	:	Yes/no