

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

CWP-8945-2021 (O&M)
Date of decision:- 27.04.2021

Haryana Self Finance Private Colleges Association, Rewari

...Petitioner (s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE**
HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arjun Pratap Atma Ram, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being
conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner, namely, Haryana Self Finance Private Colleges Association, alleging that the respondent-authorities are not permitting them to upload the registration/admission details of the students admitted by them through State counselling and are not issuing the necessary admit cards etc. which would enable the students to appear in the examination(s).

From a perusal of the petition, it appears that the issue between the parties relates to the quantum of affiliation fee as well late fee.

Learned counsel for the petitioner submits that the students have been admitted by the colleges, who are members of the petitioner-Association, through State counselling only. He clarifies that none of the students, who has not been sponsored through State counselling, has been admitted by any of the colleges. He further submits that the said students were allocated and allotted to the colleges by the State Council of Educational Research and Training (SCERT), Haryana by treating and considering all the colleges as duly affiliated and eligible to admit them. It is submitted that in such circumstances, the act of the respondent-authorities in blocking the portal relating to the colleges and not permitting them to upload the details of the students admitted by them is totally unjustified.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, on advance copy, submits that the colleges have not deposited the necessary affiliation fee and have also not deposited the late fee. He further submits that the authorities would examine the case of each of the colleges in respect of payment of affiliation fee and completion of other formalities and take a decision in this regard within ten days. He further submits that those

colleges who are found to have complied with the necessary requirements would be permitted to upload the details by making adequate relaxation in the time schedule prescribed.

Looking to the aforesaid submissions of learned counsel for the parties and taking into consideration the interests of the students as well as the pendency of the issue regarding quantum of affiliation fee, it is directed that in case each of the college deposits the presently prescribed affiliation fee of Rs. 2 lacs provisionally, the authorities would immediately look into their concerned individual cases; take a decision thereon and if they are found to be eligible otherwise, take necessary steps required by law to ensure that the students who have been admitted in the colleges through State counselling are permitted to participate in the examination(s). It is further directed that the amount of affiliation fee over and above the undisputed amount would be deposited by the respondent-authorities in a separate bank account and details thereof would be furnished to this Court. In order to put quietus to the matter, the dispute in respect of the quantum of affiliation fee shall be considered and decided by the authorities in terms of the order dated 29.05.2019 passed by the learned Single Judge in CWP-14267-2019.

However, it goes without saying that, ultimately, if the affiliation fee decided by the authorities is lesser than the amount deposited by the colleges, in respect of affiliation then the excess thereof would be refunded to the colleges by the authorities alongwith interest accrued thereon in the bank account.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana submits that the issue of late fee would also be considered by the authorities in the light of the facts and circumstances of each case of the colleges and appropriate decision thereon would be taken by the authorities after hearing each college, who is a member of the petitioner-association.

In view of the aforesaid statement made by learned State counsel, we do not find any reason to entertain the present petition which is disposed of. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(SUVIR SEHGAL)
JUDGE

27.04.2021
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No