

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

Sr. No. 228

**CWP-4877-2019 (O&M)
Date of decision : 27.04.2022**

B.U. College of Education

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mohd. Salim, Advocate, for the petitioner.

Mr. Arun K. Kaundal, DAG, Punjab

Mr. G.S. Dhillon, Advocate, for respondent No.3.

SUDHIR MITTAL, J. (Oral)

The petitioner has sought quashing of order dated 02.01.2019 (Annexure P-10) passed by respondent No.2 as well as for quashing of communication dated 26.03.2018 (Annexure P-9) passed by respondent No.3 and has also sought a writ in the nature of mandamus directing respondent No.3 to provide faculty nominee for selection of faculty.

Relevant facts that have come to light are that the petitioner applied for starting a new B.A, B.Ed. course vide application dated 13.06.2015. This application was submitted with respondent No.2 after obtaining a No Objection Certificate from respondent No.3-University. Respondent No.2 initiated letter dated 06.11.2015 requesting the State Government to recommend the case of the petitioner amongst others to start a new course. This was followed by letter of intent dated 08.12.2017 issued in favour of the petitioner. As per this document, the petitioner was required to submit particulars of staff appointed after approval by the University,

advertisement issued for recruitment of faculty and staff and an affidavit in a format which was enclosed with the said letter. It appears that the requirements of the letter of intent were not complied with because order dated 02.01.2019 was subsequently passed refusing to grant permission to the petitioner to start a new course on the ground of non-submission of list of faculty members, copies of FDRs towards endowment fund and non-creation of website/non-provision of hyper-link thereto.

Learned counsel for the petitioner has submitted that numerous requests were submitted before respondent No.3 for appointing a University nominee to select the faculty, but the nominee was never provided. Instead, the petitioner was asked to submit proof of availability of land measuring 05 acres which was illegal because the guidelines framed by respondent No.2 required minimum of 3000 sq. meters of land only. Thus, order dated 02.01.2019 is stated to be illegal.

The argument cannot be accepted because it is evident and admitted that the grounds mentioned therein are correct. Neither a list of faculty has been submitted nor the other requirements have been complied with. Accordingly, the argument is rejected.

It is next submitted that a direction be issued to respondent No.3 to provide a nominee for selection of faculty.

This argument also deserves to be rejected as no faculty can be selected as the application for starting a new course has already been rejected and there is no error in the order of rejection. The only course available to the petitioner now is to file a fresh application, in case, it is still interested in starting the new course.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

27.04.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No