

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19031-2022

Date of Decision: 26.08.2022

Amanpreet Kaur and others

....Petitioners

VS

I.K. Gujral Punjab Technical University and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Shailesh N. Pathak, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioners are students of K.C. School of Management & Computer Applications, Nawanshahr. Vide order dated 17.08.2022 issued by the I.K. Gujral Punjab Technical University - respondent No. 1 they have been transferred to Guru Gobind Singh College of Management & IT, Hoshiarpur. The reason for the transfer is placing of the Institution of the petitioners in 'No Admission Zone'. Infact, all Educational Institutions established by the KC Group have been placed in 'No Admission Zone' on account of registration of an FIR against the management by the Central Bureau of Investigation.

Learned counsel for the petitioners has argued that the petitioners took admission in K.C. School of Management & Computer Applications (hereinafter referred to as 'the Institution') in view of its reputation. The Institution to which the petitioners are being transferred is not so highly reputed and, thus, academic interest of the petitioners would be adversely affected. Under the circumstances, the petitioners should have been consulted before ordering their transfer. Further, Hoshiarpur is a remote place and it would be inconvenient for large number of students. The financial condition of the students has also not been taken into consideration while ordering the transfer. Registration of an FIR against the

management is no ground for transferring the students because they can not be made to suffer for the follies of the management.

The argument that the petitioners are being transferred to a remote place is wholly misconceived. Hoshiarpur is a big town in the State of Punjab and is accessible by all modes of transport.

It is a fact that the management of the K.C. Group has been indicted in a criminal case under various provisions of the Prevention of Corruption Act, 1988 and charge-sheet has already been presented. Allegations are that illegalities were committed in establishment of the Educational Institutions and, thus, the institution of the petitioners has come under a cloud. Accordingly, all institutions of the K.C. Groups have been placed in 'No Admission Zone' by respondent No. 1. Under the circumstances, the reputation of the Institution of the petitioners has suffered tremendously. Thus, the argument that the academic interest of the petitioners would be adversely affected by order of transfer cuts no ice with this Court. The transfer has been ordered in the interest of the students and there was no need to consult them before taking a decision which is in their interest. It appears that the writ petition is a proxy litigation and such tactics can not be permitted.

The writ petition has no merit and is dismissed.

26.08.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No