

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

CWP No. 22185 of 2022

117

Date of Decision:- 30.11.2022

B.R.S. DENTAL COLLEGE AND GENERAL HOSPITAL

....Petitioner

vs.

STATE OF HARYANA AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Vikas Kuthiala, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana,
for respondent Nos. 1 and 2.

Mr. Jagbir Singh, Advocate,
for respondent No. 3.

Sudhir Mittal, J. (Oral)

This petition has been filed for recovery of unpaid fee from the private respondents for the period they remained as students of the petitioner. Earlier, a representation had been made to the respondent-University but no action having been taken, CWP No.9380 of 2022 was filed which was disposed of with a direction to the respondent-University to decide the pending representation. The representation has been decided vide order dated 18.07.2022 and the private respondents have been directed to pay the fee, however, the said order has not been complied with.

Learned counsel for the petitioner submits that the private respondents are duty bound to pay the fee for the period they have studied in the petitioner-College. The said duty having not been fulfilled, the respondent-University be directed to withhold their degrees till the pending dues are paid.

This Court has repeatedly said that withholding of degrees as a

security for payment of pending dues is not permissible in law and, thus, expecting the Court to issue an illegal direction is unreasonable. Directions as sought for by the petitioner cannot be issued by a Court of law. Thus, the petitioner cannot be granted any relief.

The writ petition is accordingly dismissed. However, the petitioner would be at liberty to avail any other appropriate remedy available to him in law.

November 30, 2022	(SUDHIR MITTAL)
poonam	JUDGE
Whether Speaking/Reasoned	Yes
Whether Reportable	No