

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

Sr. No.254

**Civil Writ Petition No.25232 of 2021
Date of Decision : May 27, 2022**

Mukhtiar Singh Memorial Degree College,
Behbalpur, Fatehabad

...Petitioner

Versus

Chaudhary Devi Lal University, Sirsa & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Praveen Gupta, Advocate,
for the petitioner.

Mr. Jagbir Singh, Advocate,
for respondents No.1 & 2.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

SUDHIR MITTAL, J. (ORAL)

The petitioner obtained a No Objection Certificate from the State of Haryana for starting various Postgraduate courses during the academic year 2021-22 vide communication dated 03.12.2021. Thereafter, it applied for provisional affiliation with respondent No.1-University and an inspection was conducted on 10.07.2021. Certain deficiencies were pointed out therein and since, the said deficiencies were not removed, provisional affiliation was rejected vide order dated 08.01.2022. The petitioner then submitted a representation dated 24.01.2022 for re-inspection as allegedly none of the deficiencies were in existence but no re-inspection has been done and thus, the present writ petition has been filed.

Learned Senior Counsel for the petitioner has submitted that the main reason for rejection of the request for provisional affiliation is non-completion of five years of existence as an undergraduate institution. The reason cannot be sustained in law as Clause 7.2 of the UGC (Affiliation of Colleges by Universities) Regulation 2009 (hereinafter referred to as the Regulation) prescribes a period of two years as an undergraduate college.

Respondent No.1-University submits that completion of five years of existence is not the reason for rejection of provisional affiliation. In fact, it has been rejected on account of deficiencies regarding non-availability of adequate books, reference books and teaching staff. These deficiencies were not removed during the academic session for which No Objection Certificate was given by the State and thus, there is no illegality in the impugned order. Now, the academic session 2021-22 is over and the petitioner can apply afresh after obtaining another No Objection Certificate for the academic session 2022-23.

A perusal of the impugned letter dated 08.01.2022 shows that grant of provisional affiliation has been rejected on the grounds of deficiencies mentioned therein and the summary of inspection committee report. In the summary of inspection committee report, it has been mentioned that the petitioner may think of starting postgraduate courses after completing five years of existence. This observation is patently contrary to Clause 7.2 of the Regulation which stipulates that an undergraduate college may upgrade itself to postgraduate level and submit a proposal for consideration of the University after satisfactory completion of

two years of undergraduate programme. Thus, the observation
aforementioned is quashed. The record further reveals that the deficiencies
pointed out were not removed before issuance of the letter rejecting
provisional affiliation and thus, the submission that all deficiencies had
been removed cannot be accepted.

With the aforementioned observations, the writ petition is
disposed of. The petitioner shall be at liberty to apply afresh for the next
academic session after obtaining an appropriate No Objection Certificate
from the State Government.

May 27, 2022
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes