

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

Sr. No.115+209

**CM-2391-CWP-2022 in/and
CWP-500-2022
Date of decision : 23.02.2022**

Rohitash Degree College

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kunal Dawar, Advocate, for the applicant-petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

CM-2391-CWP-2022

This application has been filed for placing on record show-cause notice dated 10.02.2022 and reply dated 17.02.2022 to the said show-cause notice as Annexures P-21 and P-22.

Notice of the application.

Mr. Rajneesh Chadwal, AAG, Haryana, accepts notice on behalf of the respondents and waives service and has no objection, in case, the application is allowed.

Accordingly, the application is allowed and Annexures P-21 and P-22 are taken on record.

CWP-500-2022

The petitioner has approached this Court because its students were not permitted to apply for SC/BC Post Matric Scholarship Scheme vide order dated 08.12.2021, even though, the petitioner was permitted to admit the students in the college.

Certain complaints were received against the petitioner regarding embezzlement of funds of Post Matric Scholarship Scheme. Thus, an FIR was registered and the petitioner was restrained from making any admissions. Thereafter, the police submitted a non-traceable report and thus, vide order dated 10.11.2021, the petitioner was permitted to make admissions of students for the academic session 2021-22. Yet, the SC students could not apply for the Post Matric Scholarship Scheme as the portal meant for the said purpose was not opened for the petitioner.

The only argument raised on behalf of the petitioner is that once, the petitioner-college was permitted to make admissions, the students belonging to the SC community could not have been debarred from applying for the Post Matric Scholarship Scheme. The action is patently arbitrary.

Written statement is on record and according to the same, the action was necessitated as SIT report dated 06.12.2021 received on 09.12.2021 recommended withdrawal of affiliation and related actions.

The date line of this case shows that order dated 08.12.2021 was passed before receipt of the SIT report and thus, the action is illogical and irrational. Once, a college is permitted to admit students, the students who belonged to the SC community have to be permitted to apply for the Post Matric Scholarship Scheme.

Accordingly, the impugned order dated 08.12.2021 is quashed being violative of the Article 14 of the Constitution of India. The writ petition is, accordingly, allowed.

This order is being passed without prejudice to any further action that may be taken on the basis of investigation conducted till date.

(SUDHIR MITTAL)
JUDGE

23.02.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No