

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

CWP-1370-2023

Date of decision : 23.01.2023

Sri Aurobindo College of Commerce and Management, Village Jhande,
P.O. Threke, Ferozepur Road, Ludhiana

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajiv Atma Ram, Senior Advocate, with
Mr. Brijesh Khosla, Advocate,
for the petitioner.

Mr. Avinit Avasthi, Asst. Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by an un-aided private College, which is imparting education in Bachelor of Commerce (B.Com), B.Com (Honours) in Marketing Management, B.Com (Honours) in Business Finance and Accounting, Bachelor of Business Administration (BBA) and Masters of Commerce (M.Com) degrees.

Learned Senior counsel for the petitioner submits that the respondent – State, vide the letter dated 09.06.2022 (P-1) prescribed the procedure for admission to the various courses. It is submitted that the Federation of Aided Colleges of Punjab and Chandigarh had filed a petition (CWP-16155-2022) being aggrieved by the decision of the Government and this Court, vide order dated 27.07.2022, disposed of the said petition on a statement made by learned Assistant Advocate General, Punjab, to the effect that the authorities shall consider and decide all the

objections of the aided colleges, after affording them due opportunity of personal hearing.

Learned Senior counsel for the petitioner points out that the Principal Secretary to Government of Punjab, Department of Higher Education and Languages, vide the impugned order dated 06.12.2022 (P-7), while deciding the representations of the aided colleges, has also stated that the un-aided private colleges would be covered by the orders and Scheme of the State Government from the academic session 2023-24. He submits that the said order has been passed without hearing the un-aided private colleges, and the principal issue raised by the un-aided private colleges, namely the power and authority of the State Government to issue instructions, has not been addressed and adverted to. He further submits that in this regard, the petitioner has filed a representation dated 12.01.2023 (P-10) before the authorities, which is pending.

In these circumstances, we are of the considered opinion that the State Government is required to consider and take a decision on the aforesaid representation as well, by taking into consideration the objections of the petitioner.

Learned Assistant Advocate General, Punjab, submits that the authorities would take a decision on the petitioner's representation (*ibid*), and in view of the order dated 27.07.2022 (P-5) passed by this Court in CWP-16155-2022, would follow the same procedure, i.e. while taking a decision on the representation, the petitioner shall be afforded an opportunity of hearing, and a reasoned order in respect of the objections

raised by the petitioner, including the objection of jurisdiction, shall be passed, expeditiously, as far as possible within a period of four weeks.

In view of the above, taking the statements of learned counsel for the parties on record and in terms thereof, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 23, 2023
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No