

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 15100 of 2023 (O&M)
Date of Decision: 20.07.2023

Private Unaided Degree Colleges AssociationPetitioner

versus

State of Punjab and othersRespondents

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

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Tejaswini, Advocate, for the petitioner.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the private unaided Degree Colleges Association being aggrieved by the order dated 26.05.2023 praying for the following reliefs:-

Civil Writ Petition under Article 226 of the Constitution of India seeking issuance of writ in the nature of certiorari for quashing or any other appropriate writ quashing the order dated 26.05.2023 (Annexure P-2) issued by the respondent NO.2 and subsequent order dated 16.06.2023 (Annexure P-3) issued by respondent No.3 to the petitioner, directing them to carry out the admission process through the 'Centralized Admission Portal' of the respondent No.1 and 2 and also follow the common 'Admission Schedule' for admission to UG and PG courses for the session 2023-2024, as being arbitrary, whimsical, violative of Article 14, Article 19(1)(g), against the principles of natural justice and also against the law settled by the Hon'ble Supreme Court in T.M.A. Pai Foundation vs. State of Karnataka and others (2002) 8 SCC 481, keeping in view the facts and circumstances of the present case as well as in the interest of justice.

AND

Further it is prayed that the operation of the order dated 26.05.2023 (Annexure P-2) issued by respondent No.2 and subsequent order dated 16.06.2023 (Annexure P-3) issued by respondent No.3 mandating that the 'Centralized Admission Portal' and the common 'Admission Schedule' ought to be followed by the petitioner, may kindly be stayed during the pendency of the present petition in the interest of justice.

AND/OR

Further issuance of writ in the nature of mandamus directing the respondents No.1 and 2 to decide the representation/legal notice dated 20.06.2023 (Annexure P-8) of the petitioner in a time bound manner during which period order dated 26.05.2023 (Annexure P-2) issued by the respondent No.2 and subsequent order dated 16.06.2023 (Annexure P-3) issued by respondent No.3 be kept in abeyance, keeping in view the settled laws as well as in the interest of justice."

2. Learned senior counsel for the petitioner submits that previously Non-Government Colleges Managements Federation of Punjab and Chandigarh had approached this Court in respect of a similar decision taken by the respondent-authorities in the year 2022 by filing a Civil Writ Petition No. 16155 of 2022, which was disposed of by this Court vide order dated 27.07.2022, on a statement being made by the learned Assistant Advocate General, Punjab, on instructions from the Principal Secretary, Department of Higher Education, to the effect that the authorities concerned i.e. Principal Secretary, Department of Higher Education, Government of Punjab would hear the persons representing the petitioner-association in respect of the difficulties being faced by them in implementing the directions of the State Government for using 'Centralized Admission Portal' for admissions in the non-affiliated colleges and Universities. It is stated that pursuant thereto, a speaking order was passed by the respondent-authorities on 06.12.2022. It is, however, submitted that the petitioners, who are the

private unaided degree colleges, were neither invited for hearing nor were their objections considered. He, therefore, submits that in the circumstances, the respondent-authorities may be directed to hear and consider their objections as well.

3. Learned Deputy Advocate General appearing for the respondent-State of Punjab, on instructions from Mr. Ashwani Bhalla, Deputy Director, Department of Higher Education and Mr. Harpreet Singh, Senior Assistant, submits that the Principal Secretary, Department of Higher Education, Government of Punjab would hear all the objections of the petitioner-association and thereafter pass a speaking detailed order.

4. In view of the statement made by learned Deputy Advocate General, Punjab and taking the same on record, the present petition stands disposed of with a direction to the respondent-authorities i.e. Principal Secretary, Department of Higher Education, Government of Punjab to afford an opportunity of hearing to the petitioner-association on 26.07.2023 and consider their objections and pass a detailed speaking order in accordance with law.

5. It is made clear that the petitioner-association would be at liberty to not just raise the issues raised by them in the legal notice but also other issues, if they are so advised, before the Principal Secretary, Department of Higher Education, Government of Punjab.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.07.2023
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RAVINDER KUMAR
2023.07.24 14:26
I attest to the accuracy and
authenticity of this order/judgment.

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