

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2024.PHHC.107405-DB



(109) LPA No.896 of 2023(O&M)

Panjab University& others .....Appellant(s)

Versus

D.M. College Managing Committee, Moga and others .....Respondent(s)

(2) LPA No.1217 of 2023 (O&M)

Arya Pratinidhi Sabha Punjab (Regd.) .....Appellant(s)

Versus

Panjab University and others .....Respondent(s)

**Decided on : 21.08.2024**

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Subhash Ahuja, Advocate for the appellants  
(in LPA No.896 of 2023) and  
For respondent Nos.1 to 3 (in LPA No.1217 of 2023).

Mr. Sameer Sachdeva, Advocate for the appellant  
(in LPA No.1217 of 2023).

Mr. Puneet Jindal, Senior Advocate with  
Mr. Arshnoor Singh, Advocate  
for respondent Nos.1 & 2 (in LPA No.896 of 2023) and  
for respondent Nos.4 &5 (in LPA No.1217 of 2023).

**G.S. Sandhawalia, J.(Oral)**

Present two letters patent appeals arise out of a common judgment dated 30.09.2022 passed by the learned Single Judge in **CWP No.14500 of 2022**. Both the appeals are barred by limitation of 204 days and 271 days.

2. The learned Single Judge has allowed the writ petition and set aside the order dated 29.06.2022, whereby the Vice-Chancellor, Panjab

University, has appointed two representatives on the managing body of the

colleges, while noting that there is a dispute existing in the local management committees of both the colleges of D.M. College, Moga and D.M. College of Education, Moga. The learned Single Judge came to the conclusion that the criteria prescribed under Regulation 11.2, Chapter VIII (A) of the Panjab University Calendar, Volume-I of 2007, was not fulfilled that the private affiliated colleges are not being properly administered. It was also held that it does not give any authority to the University to adjudicate upon claims of rival factions which constitute the Managing Committee.

3. It was also come on record that a civil suit was also instituted on 24.07.1996, whereby a declaration had been sought regarding the orders passed by the Sabha dissolving the Managing Committee and an appeal was also pending for adjudication. It has also come forth from the record that elections were held on 17.01.2022 and a civil suit had been filed challenging the illegality and validity of the order dated 11.05.2022. The learned Single Judge chose not to pre-empt or give an opinion regarding the issues, which were pending *inter se* the disputes of the Managing Committee, as they were subject matter of consideration before the Civil Courts, either in original jurisdiction or in appellate jurisdiction.

4. We are now informed that application for execution of the earlier decree is also pending and even the Additional Civil Judge (Sr. Division), Faridkot has appointed the Sub-Divisional Magistrate, Moga as a receiver on 29.11.2023. Mr. Ahuja further submits that online applications are being invited for the post of Principal, vide advertisement dated 22.11.2023, which is also subject matter of challenge in a separate writ petition by the two sets of parties representing the Managing Committees.

5. We are also of the considered opinion that sufficient cause for condoning the delay has not been made out, as apparently as per the

application itself, it has been admitted by the University that initially it was of the view that it should not file any appeal against the judgment dated 30.09.2022. Only on account of some representations being received from the non-teaching staff complaining against the members of College management, as their interests were involved, they have decided to file the present appeal. An additional affidavit has also been filed on behalf of the Registrar, Panjab University, trying to justify the delay and again it is admitted that they were not inclined to file the LPA, as the dispute revolved around two rival managing committees. It is, thus, apparent that sufficient cause has not been made out, as per the application by the University itself.

6. Similar is the appeal filed by Arya Pratinidhi Sabha Punjab, whereby there is a delay of 271 days. The justification which is sought to be given is that a review application was filed, which was dismissed on 08.05.2023. A perusal of the said order would go on to show that the review application was also filed after a delay of 141 days, though the same was condoned. It is, thus, apparent that the said appellant was never serious as such for preferring the present appeal. Sufficient cause which is now sought to be given is on account of the fact they were collecting the material by filing appropriate application under the RTI.

7. Resultantly, we are of the considered opinion that sufficient cause has not been made out for condoning the delay in any manner and also the only issue connected in the present appeals is whether the order passed by University was legally tenable or not. Accordingly, keeping in view the law laid down in the case of **Office of the Chief Post Master and others VS. Living Media India Ltd. and another**’, AIR 2012 Supreme Court 1506, we are of the considered opinion that no sufficient cause has been made out to condone the delay, as mentioned above.

8. Resultantly, both the applications for condonation of are dismissed. Even otherwise since the matter is already pending before the Civil Court between the two groups of the Managing Committees and interest of the staff has been protected by appointment of the SDM as a receiver, we further do not find any sufficient cause to entertain the present appeals and the same are, accordingly, dismissed. Needless to say that we are not commenting upon the merits of the case or any order being passed and it is open to the parties to agitate for their grievances before the concerned Civil Court.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

**21.08.2024**  
*Naveen*

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| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |