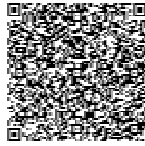


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:139168-DB



Civil Writ Petition No. 16429 of 2021 (O&M)

Date of Decision: 23.10.2024

The Governing Body of Akal Degree College for Women and another

.....Petitioners

-

versus

The Punjabi University and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE

Present:- Mr. Arjun Partap Atma Ram, Advocate
for the petitioners.

Mr. HS Bath, Advocate, for respondents No.1 and 2.

Mr. Keshav Gupta, Advocate, for respondents
(through v.c.) for No. 5 to 8 and 10.

Mr. Saurav Khurana, Addl. Advocate General, Punjab
(through video conferencing).

SHEEL NAGU, CHIEF JUSTICE (Oral)

This petition has been filed by the Governing Body of Akal Degree College for Women situated at Sangrur by assailing the speaking order dated 13.08.2021 passed by Dean, College Development Council, Punjabi University, Patiala.

2. Learned counsel for the parties are heard at length.

3. A bare perusal of the impugned order dated 13.08.2021 reveals that when the matter was taken up by the respondent-University pursuant to the order passed by this Court on 28.07.2021 in Civil Writ Petition No. 9867 of 2020, the following decision was taken:-

- “1. As college has not complied with conditions as per modalities and therefore, request made by society/trust of Akal Degree College for Women, Sangrur for closing B.A. Course has been rejected.*
- 2. As process for admission has already been started on 09.08.2021, Schedule has been flashed for admission. So, Committee has granted one week more time to College for admission in B.A. at Entry Point without late fee, without change in Schedule of other admissions.”*

4. From the aforesaid, it is obvious that the petitioner-College has failed to comply with certain conditions in terms of the modalities (Annexure P-21). It appears that the petitioner-college did not comply with the said modalities in toto as it is informed by learned counsel for the respondent-university that No Due Certificate from the Controller Examination and Superintendent Accounts-II and original copy of the requisite affidavit of the Chairman of the petitioner-college governing body were not produced. Therefore, it is obvious that the decision could not be taken by the respondent-university in the absence of certain relevant material and therefore, request of the petitioner society as regards Akal Degree College for conducting B.A. course was rejected without being considered in the right perspective.

5. Rival parties are at consensus that the matter can be reheard provided the petitioner cures the deficiencies which existed in its application/request made prior to the passing of the impugned order dated 13.08.2021.

6. There is a serious dispute between the rival parties as to whether the relevant material and documents as per the modalities were filed by the petitioner college or not. Be that as it may, to resolve the frequent situation, it would be appropriate that in case the petitioner college applies for permission to close down the course, then the State would duly respond to the same within

a period of 15 days. While taking a decision, the competent authority shall also take into account the observations and directions passed in order dated 28.07.2021 in Civil Writ Petition No. 9867 of 2020.

7. In view of the consensus arrived at between the parties, this Court deems it appropriate to dispose of this petition with the following directions:-

- i) The petitioner college shall complete all the formalities provided in the modalities contained in Annexure P-21 and file a fresh application before the respondent-Punjabi University, Patiala.
- ii) In case the aforesaid order is complied with within a period of 30 days from today alongwith copy of this order, the Punjabi University, Patiala shall after affording due and proper opportunity to all the stake holders take a final call and take a decision by passing a speaking order within a period of sixty days from today.

8. With these observations, the petition stands disposed of. All the pending applications, if any, shall stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

23.10.2024

ravinder

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