

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

(262)

CWP-24229-2023

Date of decision: - 10.01.2024

Manpreet Kaur and others**....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Yagyadeep, Advocate, and
Mr. Rajesh Kumar, Advocate
for the petitioners.

Mr. Kunal Muthreja, AAG, Punjab.

Mr. Deepinder Singh Walia, Advocate, and
Ms. Gursimran Walia, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.4 to release/issue the DMC/Degrees/Certificates of the petitioners, which have been withheld by the respondent-College.
2. Learned counsel for the petitioners has submitted that the petitioners belonging to the Scheduled Castes Category were given admission under the Post Matric Scholarship Scheme under which they were not required to pay the fee and the fee had to be reimbursed by the Government of Punjab as per notification dated 22.07.2016 (Annexure P-9). It is stated that respondent No.4-College has withheld the DMC/Degrees/Certificates of the petitioners by alleging that the fee has

not been paid by them although no fee is required to be paid by the petitioners. It is stated that the case of the petitioners is squarely covered by a judgment of this Court in case titled as “**Meena Kumari Vs. State of Punjab and others**, passed in **CWP-19728-2021 and another connected case, decided on 20.09.2017** and also a judgment passed by the Co-ordinate Bench of this Court in case titled as “**Monika Vs. Pt. B.D. Sharma, University of Health Sciences, Rohtak and others**”, **reported as 2022(4) SCT 51**. It is also stated that the petitioners would submit a detailed representation to respondent No.4-College giving all the detailed facts and annexing the said two judgments along with the representation and prays that at this stage, the petitioners would be satisfied in case respondent No.4-College considers the said representation, in accordance with law, in a specified time frame and in case the pleas raised by the petitioners are found to be meritorious, then, grant the appropriate relief.

3. Learned counsel appearing for respondent No.4-College has submitted that respondent No.4-College would consider the said representation in accordance with law within a period of four weeks from the date of submission of the same.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of in the following terms: -

- (i) It would be open to the petitioners to give a detailed representation to respondent No.4-College by mentioning all the detailed facts and annexing the said two judgments along with the said representation within a period of two weeks from today.
- (ii) In case any such representation is filed by the petitioners,

respondent No.4-College would consider the same within a period of four weeks from the date of submission of the said representation and in case after considering the said representation, respondent No.4-College is of the view that the pleas raised by the petitioners are meritorious, then, the appropriate relief be granted to them as expeditiously as possible. In case respondent No.4-College is of the view that the pleas raised by the petitioners are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of four weeks.

5. It is made clear that while considering the said representation by respondent No.4-College, judgments passed by this Court in **Meena Kumari's case (supra)** and also in **Monika's case (supra)** be considered.

6. It is also made clear that this Court has not opined on the merits of the case and respondent No.4-College would consider and decide the matter independently, in accordance with law.

January 10, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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