IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11784-2025 (O&M)

Date of decision: 20.06.2025

Deepanshu Sharma and others

....Petitioners

V/s

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Nandita Verma, Advocate for the petitioners.

Mr. Saurav Verma, Additional Advocate General, Punjab
for respondent Nos.1 and 2.Mr. Arjun Pratap Atma Ram, Advocate with
Mr. Sambav Parmar, Advocate for respondent Nos.3 and 4.

Mr. Sanjeev Roy, Advocate for respondent Nos.5 and 6.

SUMEET GOEL, JUDGE

1. The *petition in hand* is a writ petition filed under Articles 226/227 of the Constitution of India praying, in essence, for issuance of a writ mandating the respondents to ensure admissions to the B.A. degree course (hereinafter referred to as the '*Course in question*') for the academic session 2025-26 in respondent No.3 – Akal Degree College for Women, Sangrur (hereinafter referred to as the '*College in question*') are undertaken and the same are not stalled, directly or indirectly, by the respondents especially the *College in question*.

2. Shorn of non-essential details, the relevant factual milieu of the *lis* in the *petition in hand* is adumbrated, thus:

(i) The petitioners plead that they were appointed as Assistant Professors for the *Course in question* in the year 2016-18 in the *College in question* which is run by respondent No.4 – a Society running the *College in question* (hereinafter referred to as the '*Society in question*')



(ii) In the year 2020, the *Society in question* decided to discontinue the admission for the *Course in question* being undertaken by the *College in question* and accordingly passed a resolution to the said effect.

(iii) The *College in question* sought permission from the respondent No.6 – Punjabi University, Patiala (hereinafter referred to as the ‘*University in question*’) for discontinuation of the *Course in question*. This led to multifarious litigation(s) between rival parties.

(iv) In a writ petition titled as The Governing Body of Akal Degree College for Women, Sangrur vs. State of Punjab and others – CWP-9867-2020 (hereinafter referred to as the ‘*CWP-9867/20*’), this Court considered the issue:

“as to whether the State Government is entitled to interfere in the matter of discontinuance of a course, on the ground that it would result in retrenchment of staff?”

It was observed that *“for decision of this question, it is necessary to refer to various provisions relied upon by learned counsel for the parties. Learned counsel for the petitioner has relied upon Clause-8 contained in Chapter-VI of the University calendar. The said chapter is under the heading ‘admission of colleges.’ As signified by the heading, the chapter deals with the procedure and conditions for admission of colleges to the privileges of the University. Clause-8 is reproduced hereunder:-*

“A college may not, without the previous permission of the Academic Council, suspend instruction in any subject or course of study which it is authorized to teach and teaches.”

The State relies upon Section 7 of the Act regarding retrenchment. It provides that an employee of an affiliated college cannot be retrenched without prior approval of the Director. The provision is reproduced:-

“7. Retrenchment:- (1) No employee of an affiliated college shall be retrenched on account of reduction in work load without prior approval of the Director who shall before according approval examine each case in accordance with the norms of work load laid down by the University with which such college is affiliated.

(2) An employee who is relieved from an affiliated college as a result of retrenchment, shall have preference for appointment to



future vacancies in the affiliated college in which he was serving immediately before retrenchment or in another affiliated college under the same Managing Committee.”

Apart from above, the State also draws sustenance from overriding public interest. It has been said that closure would adversely affect the interests of girl students of the area. Education of girls is a matter of priority.

It may be noted that learned counsel for the University has not denied that the University has authority in the matter of discontinuance of a course. However, the State is sought to be introduced into the equation by raising the issue of retrenchment and public interest.

The Act has been framed to provide for security of service to employees of affiliated colleges and to grant pensionary benefits to employees appointed against aided posts. It deals with probation of employees, suspension and dismissal, removal or reduction in rank. Retrenchment is also included therein. Further, it provides for appointment of a college Tribunal for the decision of appeals filed against orders of approval of dismissal and removal passed by the Director. The provisions of the Act do not entitle the Government to interfere in the matter of discontinuance of a course. Jurisdiction is sought to be vested by a process of reasoning that result of discontinuance of a course would be retrenchment. Had that been the intention of legislature, it would have stated so specifically. Implied jurisdiction is not permissible in law and thus, it has to be held that in the matter of discontinuance of a course, the State has no jurisdiction. No public interest is involved as it is an uncontroverted fact that there are almost twenty other girls colleges in District Sangrur and the strength of students at the entry level in the B.A. course has reduced over the years. Accordingly, direction by the University to seek approval of D.P.I (Colleges) is illegal and unsustainable in law. The University is required to consider the matter dispassionately and in accordance with the principles required to be taken into consideration while examining such an issue based upon material supplied by the petitioner. It is at liberty to seek further material before taking an informed decision. The decision should be conveyed through the medium of a speaking order.



The question is thus, answered in the negative.”

This Court, in said writ petition directed, thus:

“The University is directed to take a decision on the request of the petitioner, expeditiously and in any case, not later than four weeks from the date of receipt of certified copy of this judgment. Needless to say that decision should be taken keeping in mind the observations in this judgment and un-influenced by any extraneous considerations. Till the matter is decided, the petitioner may not make admissions for academic session 2021-22. A public notice be issued in this regard, in case, time schedule for admissions for the academic session 2021-22 has already been released. Students admitted during the academic session 2020-21 shall be made to complete the course.”

(v) The *University in question*, vide order dated 13.08.2021 rejected the claim of the *College in question* regarding discontinuation of the *Course in question*, relevant whereof reads thus:

“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.”

(vi) The above decision dated 13.08.2021 came to be challenged before this Court, at the instance of the *College in question* and the *Society in question*, vide a Civil Writ Petition (CWP-16429-2021) titled as The Governing Body of Akal Degree College for Women and another vs. The Punjabi University and another (hereinafter referred to as the ‘CWP-16429/21’) which was disposed of, by directing thus:



“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.”

vii) Thereafter, in compliance of the final order passed by this Court in CWP-16429/21, a speaking order dated 23.12.2024 was passed by the University in question, relevant whereof reads thus:

“In light of above, the University had held meetings of the duly constituted committee, on 17th, 19th and 23rd December 2024, wherein different stake-holders had been invited for personal hearing on the matter. The following decisions had been taken during these meetings in anticipation of approval by the Vice Chancellor:

- 1. As per S.No. 1 of Annexure P-21 (which is based on the modalities mentioned in Para3 (217) of the Syndicate) mentioned in 7(i) above, the Chairman of Akal Degree College for Women, Sangrur has been asked to provide duly signed copy of the resolution with the fresh application.*
- 2. In the affidavit provided by the Chairman of Akal Degree College for Women Sangrur, a statement has been made regarding no dues of students and the university, while there is no mention concerning the “no dues” of teachers and staff. Therefore, the college has been asked to furnish the affidavit bearing statement regarding no dues of all the stake-holders, as mentioned in Annexure P-21.*

In view of the above, action regarding cancellation/withdrawal of affiliation to the B.A. course will be taken



after various modalities, as mentioned in Annexure P-21 get fulfilled by the college.”

viii) The parties to the *writ petition in hand* have been interlocked in various other litigation(s), including writ petition(s) before this Court viz. CWP-16046-2022 titled as Varinder Kumar & Ors. Vs. State of Punjab & Ors. (praying for grant of regular pay-scales to the petitioners therein, including the petitioners herein). More *apropos*, in the *inter se* litigation is a petition, preferred by the petitioners (herein) before the Punjab Educational Tribunal (hereinafter referred to as ‘*Tribunal in question*’) impugning the retrenchment order dated 31.05.2023 passed against them, vide Petition No.136/2023 titled as Karmjit Kaur and others vs. Punjabi University, Patiala and others (hereinafter referred to as ‘*Tribunal Petition No.136/23*’) with the following substantive prayer(s):

“(a) Quash the impugned retrenchment order dated 31.5.2023 (Annexure P-18) whereby the services of the petitioners have been retrenched and directed the respondents to reinstate the petitioner in service with all consequential benefits including full back salary and continuity of service with interest at the rate of 12% per annum.

(b) In the interim, it is respectfully prayed that the impugned order of retrenchment of the petitioner be stayed.”

In the said *Tribunal Petition No.136/23*, the following order was passed on 21.11.2023 by the *Tribunal in question*:

“The contention of Ld. counsel for petitioners is that impugned retrenchment order dated 31.05.2023 (Annexure P-18) may be stayed whereby services of petitioners have retrenched/relieved only for the lay off period.

Heard. Notice to respondents be issued for 15.01.2024 on filing registered covers, acknowledgments and copies of petition. Dasti notice also. Meanwhile, operation of impugned order dated 31.05.2023 (Annexure P-18) is stayed.”

It is further pleaded that a contempt petition numbered as Contempt Petition No.67/2024 in Petition no.136/2023 titled as Karmjit Kaur & Ors. vs. Sh. Karnvir Singh Sibia, Chairman of its Governing Body, Akal Degree College for



Women, Sangrur (hereinafter referred to as '*Tribunal Contempt Petition No.67/2024*') was also preferred before the *Tribunal in question* wherein the following order was passed on 05.04.2024:

“Heard. Ld. counsel for applicant/petitioner states that main petition is fixed for 08.07.2024, therefore, notice of contempt petition be issued to the other party/respondent for that date, i.e. 08.07.2024 on filing registered cover, acknowledgement and copy of contempt petition. Dasti notice also.”

It is in this factual backdrop, that the present writ petition came up for receiving consideration at the hands of this Court.

Rival Submissions

3. Learned counsel appearing for the petitioners has argued that the respondents ought to ensure that the admissions to the *Course in question* for the academic session 2025-26 are not disrupted in any manner whatsoever, as the career of the petitioners (who are serving as Assistant Professors in the *College in question*) as also the students in general is at stake. Learned counsel has implored that in case the *Course in question* is discontinued, the petitioners will be rendered unemployed.

Learned counsel has iterated that the *College in question* as also the *Society in question* are neither empowered nor required in the facts/circumstances of the matter to discontinue the *Course in question*. Learned counsel has further iterated that the speaking order dated 23.12.2024 clearly stipulates that the *College in question* is required to furnish to the *University in question* a statement regarding no dues of all the stake-holders, which includes the petitioners as well, and, the same is not being intentionally done by the *College in question* as also the *Society in question*.

On the strength of these submissions, the grant of *petition in hand* is entreated for.



4. The prime contesting respondents are respondent No.3 (*College in question*) and respondent No.4 (*Society in question*). Learned counsel appearing for these respondents, while raising submissions in tandem with the short written statement filed on their behalf, has argued that the *petition in hand* does not lay challenge to the resolution vide which the *Course in question* has been decided to be discontinued by the management i.e. *Society in question*. Learned counsel has further iterated that the *College in question* as also the *Society in question* are in the process of complying with the requisite conditions of the *University in question* so as to finally discontinue the *Course in question*. Learned counsel has further urged that the petitioners, insofar as their claim against retrenchment order and grant of regular pay-scale/dues etc is concerned, have already approached the *Tribunal in question* by way of *Tribunal Petition No.136/2023* and *Tribunal Contempt Petition No.67/2024*, thus, there is no cause with the petitioners to invoke the writ jurisdiction of this Hon'ble Court.

On the strength of these submissions, dismissal of the *petition in hand* is canvassed for.

5. We have heard learned counsel for the rival parties and have perused the record.

Prime Issue

6. The prime issue that arises for consideration is as to whether the respondents ought to be mandated, by issuance of a writ, to continue with the *Course in question* for the academic session 2025-26.

Analysis

7. The petitioners, who are Associate Professors in the *College in question*, are essentially seeking for continuation of the admissions to the *Course in question* so as to enable them to continue in job. This Court, in *CWP-9867/20*, while dealing with the entitlement of the State Government to interfere in the matter of discontinuation of the *Course in question* on the ground that it would result in retrenchment of staff, has unequivocally held that such step of



discontinuation of a course cannot be quashed on the ground of resultant retrenchment or in public interest. Said judgment dated 28.07.2021 passed in *CWP-9867/20* has attained finality.

The fulcrum of the *petition in hand* is actually the service related issue(s), including retrenchment etc. likely to be faced by the petitioners, on account of the decision of the *College in question* as also the *Society in question* to discontinue with the *Course in question*. The petitioners, in order to avoid the adverse effect on their career on account of discontinuation of the *Course in question*, cannot be permitted to invoke the extra ordinary writ jurisdiction of this Court by seeking a writ for continuation of the *Course in question*. The petitioners, who constitute members of teaching faculty, may indeed find themselves incidentally prejudiced by the discontinuation of the *Course in question* by the *College in question*. Such collateral detriment, howsoever genuine, does not *ipso facto* invest them with requisite *locus standi* to assail the administrative decision of *College in question* as also the *Society in question*, by way of a writ petition, before this Court. Mere sentiments or personal inconvenience, howsoever deeply felt, cannot confer a justiciable right to assail such a decision taken by the *College in question* and/or the *Society in question*. In this context, it bears reiteration that the *doctrine of locus standi* requires a direct, tangible & legally cognizable injury. A person merely affected, in consequence of a decision, does not, by that token alone, acquire a legal standing to impugn it. The distinction between *aggrieved in fact* and *aggrieved in law* is neither illusory nor academic — it is substantive *nay* fundamental. The former may engender personal hardship, but it is only the latter that empowers an individual to invoke the Constitutional jurisdiction of this Court. As the age-old legal maxim goes: ***Lex Non Facet Votis Delicatorum*** — *the law does not favour the complaints of faintly aggrieved*. The mere fact that discontinuation of the *Course in question* may, as a matter of consequence, alter the employment prospects or pecuniary expectations of the petitioners does not, in and of itself, elevate their grievance to one of Constitutional justiciability. Courts



cannot be converted into forums for raising perceived hardship — it is not every disquiet that attracts the aegis of Constitutional remedy.

It is apposite to record, for the cause of clarity, that this Court has refrained from embarking upon adjudication on the merits of the *lis* regarding legitimacy of the discontinuation of the *Course in question*. The *petition in hand* is being disposed of solely on the ground of lack of foundational *locus standi* at the end of the petitioners to challenge the discontinuation of *Course in question*. This Court abstains from offering any observation that may, even remotely, be construed as an expression on the substantive issue of discontinuation of the *Course in question*.

8. Moreso, the petitioners have already approached the *Tribunal in question* by way of *Tribunal Petition No.136/2023* as also *Tribunal Contempt Petition no.67/2024* for redressal of their grievance(s) against retrenchment etc. The claim(s) of the petitioners regarding quantum and actual payment of dues etc. also ought not to be adjudicated in the *petition in hand* on the premise of the prayer made by the petitioners for continuation of the *course in question*. The petitioners, hence ought to continue with prosecuting the *Tribunal Petition No.136/2023* as also *Tribunal Contempt Petition no.67/2024* preferred by them before the *Tribunal in question*.

9. It is indubitable that final adjudication of proceedings pending before the *Tribunal in question*, which is the linchpin of the disputation between the rival parties, would go a long way in putting the *lis* between the rival parties at rest.

9.1. The supervisory jurisdiction conferred upon the High Court under Article 227 of the Constitution of India is of a broad & plenary character — unfettered in its amplitude save by the discipline of self-imposed judicial restraint. It is designed to ensure that subordinate courts & tribunals within its territorial precincts discharge their functions within the confines of law, fairly efficiently and without undue delay. Though circumscribed by self-imposed restraints and not to



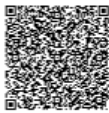
be exercised lightly, this power is nonetheless robust in ensuring the expeditious administration of justice. This exalted jurisdiction, though to be sparingly invoked, empowers the High Court not only to annul or set aside orders tainted by perversity, patent illegality or jurisdictional error, but also encompasses the authority to issue necessary directions to subordinate forums, including directions so as to secure timely and effective adjudication of proceedings pending before them.

9.2. At this juncture it would be apposite to refer herein to the case law(s) germane to the *lis* in hand.

A Full Bench of the Hon'ble Calcutta High Court in a case titled as ***Dalmia Jain Airways Ltd. Vs. Sukumar Mukherjee, 1951 AIR Calcutta 193***, has observed thus:

“Though this Court has a right to interfere with decisions of Courts and tribunals under its power of superintendence, it appears to me that that right must be exercised most sparingly and only in appropriate cases. The matter was considered by a Bench of this Court in Manmathanath v. Emperor, 37 CWN 201 : (AIR 1933 Calcutta 132 : 34 Cr. 1. J. 299). In that case a Bench over which Sir George Bankin C. J. presided held that Section 107, Government of India Act (which roughly corresponds to Article 227 of the Constitution), does not vest the High Court with limitless power which may be exercised at the Court's discretion to remove the hardship of particular decisions. The power of superintendence it confers is a power of a known and well-recognised character and should be exercised on those judicial principles which give it its character. In general words, the High Court's power of superintendence is a power to keep subordinate Courts within the bounds of their authority, to see that they do what their duty requires and that they do it in a legal manner.”

9.3 *Ergo*, in the factual milieu of the *petition in hand*, this Court in exercise of its supervisory jurisdiction, deems it appropriate to direct the *Tribunal in question* to undertake and conclude the proceedings pending before it, at the earliest.



Decision

10. In view of the prevenient ratiocination, the *petition in hand* is disposed of in the following terms:

(i) The *petition in hand* is dismissed, on account of petitioners lacking *locus standi* to plead for continuation of the *course in question*.

It is explicated, for the cause of clarification, that this Court has not delved into the merits of the *lis* of the discontinuation of the *course in question*, which is left open to be considered in appropriate proceeding(s), in case occasion so arises.

(ii) The *Tribunal in question* is directed to decide the litigation between rival parties, including *Petition No.136/2023* as also *Contempt Petition no.67/2024*, pending adjudication before it, within a period of 02 months from the date of receipt/production of certified copy of this order.

Needless to clarify that the *Tribunal in question* shall take a considered decision, in accordance with law, without being influenced by any observation made hereinabove.

(iii) Registry is directed to transmit, forthwith, a certified copy of this order to the *Tribunal in question*. The parties to the present writ petition are also afforded liberty to produce a certified copy of this order before the *Tribunal in question*.

(iv) No directions as to costs.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

June 20, 2025
Ajay/Jatin

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