

CWP-13761-2024 (O&M) -1-

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

297 (12 cases)

CWP-13761-2024 (O&M)
Date of Decision :09.01.2025

Akashdeep and others

...Petitioners

Versus

State of Punjab and others

....Respondents

CWP-13784-2024

Harjit Lal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-13946-2024

Neha and others

...Petitioners

Versus

State of Punjab and others

....Respondents

CWP-18853-2024

VMS Institute of Nursing and Paramedical Science and another

...Petitioners

Versus



CWP-13761-2024 (O&M) -2-

State of Punjab and another Respondents
CWP-20650-2020

Malwa Education Council Bondli
and another ...Petitioners

Versus

Union of India and others Respondents
CWP-22349-2024 (O&M)

Harpreet Kaur and others ...Petitioners

Versus

State of Punjab and others Respondents
CWP-27886-2024

Janak Raj and others ...Petitioners

Versus

State of Punjab and others Respondents
CWP-30416-2024

Khalsa College of Engineering and Technology ...Petitioner

Versus

State of Punjab and others Respondents
CWP-30759-2024



CWP-13761-2024 (O&M) -3-

Ajit Nursing College, Sunam

...Petitioner

Versus

State of Punjab and others

....Respondents

CWP-31288-2024

DIPS Institute of Management of Technology and others

...Petitioners

Versus

State of Punjab and others

....Respondents

CWP-4521-2023

Guru Teg Bahadur IET and others

...Petitioners

Versus

The Secretary, Govt. of India, Ministry of Social Justice and Empowerment and others

....Respondents

CWP-7804-2018 (O&M)

The Managing Committee Akal College of Pharmacy and Technical Education, Mastuana Sahib, Sangrur

...Petitioners

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI



Present: Mr. Yagyadeep Advocate & Mr. Rajesh Kumar &
Mr. Vinay Begra, Advocate for the petitioners
in CWP-27886,13761,13946,13784 & 22349-2024.

Mr. Puneet Sharma, Advocate for the petitioners
in CWP-18853, 30759 & 31288-2024.

Mr. Amandeep Singh, Advocate
for petitioner in CWP-13761-2024.

Mr. Bhushan Bhatia, Advocate (through Video conferencing)
for the petitioner in CWP-4521-2023.

Mr. Pawan Kumar, Senior Advocate with
Ms. Vidushi Kumar, Advocate for the petitioner
in CWP-7804-2018.

Mr. A.P.S. Sandhu, Advocate with
Mr. Ashish Kaushik, Advocate for the petitioner
in CWP-30416-2024.

Mr. Vipul Aggarwal, Sr. Panel Counsel for respondent-UIO
in CWP-7804-2018.

Mr. Deep Inder Singh Walia, Advocate for respondent No.4
in CWP-22349-2024.

Mr. Subhash Ahuja, Advocate
for respondent-Punjab University.

Mr. Satya Pal Jain, Additional Solicitor General with
Ms. Gurmeet Kaur Gill, Advocate for respondent-UIO
in CWP-27886,13761,13784,13946,22349,30416,30759,
31288 of 2024 & CWP-4521-2023.

Ms. Sangeeta Srivastava, Advocate for responden-UIO
in CWP-20650-2020.

Ms. Shruti, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

1. By this common order, above mentioned twelve writ petitions
are being disposed of as all the writ petitions involve the same question of



law on similar facts.

2. Learned counsel for the petitioners submits that the original documents including mark sheets, degree, character certificate and other documents which are needed by the students, who had studied in the respective respondent-College have been retained by the college concerned on the ground that the fees which is to be charged by the College on the course undertaken by the petitioner-student was to be reimbursed by the State has not been received by the College.

3. Learned counsel for the petitioners, who are students further submits that documents cannot be retained by the College and in case, any grievance of the College qua the recovery of fees exists against the State of Punjab or Union of India, the claim should be raised against them. Learned counsel for the students further submits that the judgment of the Coordinate Bench of this Court in **CWP-19728-2021 titled as, Meena Kumari vs. State of Punjab and others, decided on 20.0-9.2023** granting the relief as being sought by the petitioners herein, a direction has already been given to the State as well as to the Panjab University to release the original documents of the students for which they are entitled for keeping in view the studies which they have undergone in the respective institutions without insisting for the payment of the fees from the students qua which the respondent-State is liable but still, in defiance of the said judgment, the documents of the petitioner-students are not being released.

4. Learned counsel appearing for the Institution(s) including the University concerned submits that within a period of 15 days from today whatever documents the petitioners are seeking, will be released to them.

5. Learned counsel appearing for the Institution(s) further submits that as the Institution(s) have incurred certain expenditure on the studies of the petitioners which are not being reimbursed to the Institutions by the Union of India or the State Government, appropriate direction be given to the appropriate authority to reimburse the same in a time bound manner so that institution(s) does not suffer any financial distress.

6. Learned State counsel submits that 40% of the entitlement of the Institution(s) has already been given to them and remaining 60% is to be paid by the Government of India under the terms and conditions of the Post Matric Scholarship Scheme, Punjab for Schedules Castes.

7. Learned counsel appearing on behalf of respondent-Union of India submits that Union of India has already given its share to the State Government and no arrears remains to be paid.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. As per the averments, which have come on record, the students who have studied under the Post Matric Scholarship Scheme, Punjab belong to Schedules Castes, their original testimonials and certain other documents which they require either for pursuing higher studies or for any other purpose, have been withheld by the Institution(s) concerned where they have studied. The Panjab University, which is the affiliating University, has also not released the same on the ground that fees which was supposed to be given to the University either by the students or by the Institution(s) concerned, has not been received.

10. Learned counsel for the respondent-State contends that State's

share has already been paid either to the students or to the institution(s) concerned whereas, the Government of India is claiming that they its share has been paid to the State of Punjab.

11. It is very surprising that Union of India and Government of Punjab claim to have discharged their liability and in case, the said fact is true, then where has the said money gone, in case, the same has not been reimbursed to the Institution concerned or by the University. There is a clear mischief either on the part of the State of Punjab or Government of India or Institution(s) concerned due to which the reserved category students concerned are suffering.

12. A Coordinate Bench of this Court while passing order in **Meena Kumari (supra)** has already directed the Institution(s) as well as Panjab University not to retain any document of any student who had studied so that the poor students, who have nothing to do with the payment of fee either to the Institution(s) or to the Panjab University do not suffer for further studies or for any other purpose for which, the documents which have been retained by the Panjab University or the Institution(s) concerned are required. Retaining of the documents of the students belonging to the reserved category by the Institution(s) or the Panjab University is contrary to the judgment of this Court in **Meena Kumari (supra)**.

13. Learned counsel appearing for the Institution(s) as well as Panjab University has not been able to rebut that under the direction given by the Coordinate Bench of this Court in **Meena Kumari (supra)** they cannot retain any document of any student on the pretext that they are yet to receive either their tuition fee or examination fee, as the case may be.



14. Keeping in view the above, a direction is issued to the respondent-Institution(s) where the petitioners had studied as well as to the Panjab University to ensure release of all the documents for which a student is entitled including mark sheet, degree, character certificate and any other documents relating to the period of course undertaken by him/her within a period of 15 days from the date of receipt of copy of this order. In case of default either on the part of the Institution(s) or by Panjab University, the same will amount to contempt of Court apart from other proceedings, which might be initiated against the officers of the respondent-Institution(s) or Panjab University, whosoever violates this order.

15. Now the question arises as to whether, the Panjab University or the Institution(s) concerned are to get their dues with regard to the tuition fee or examination fee qua the students, who have studied under the Post Matric Scholarship Scheme, Punjab for Schedules Castes reimbursed by the State and Government of India.

16. Learned counsel for the respondent-State is contending that they have made the required payment to the Institution/University qua their share up to the year 2024.

17. With regard to the contentions of the learned counsel for the Panjab University as well as the State of Punjab that they have paid amount to the students concerned, who were further liable to deposit the same with the Institution/University concerned, same cannot be accepted as it is conceded between the parties during the hearing that up to the year 2017, no student was being paid the amount directly and same was being paid to the Institution(s) concerned for further transmission to the University



concerned after deducting their dues. No record has been produced that any of the petitioner has received any amount as the claim of the petitioners only relates to period prior to year 2017 when concededly the reimbursement of the amount under the Post Matric Scholarship Scheme, Punjab for Schedules Castes was being made by the State to the Institution(s) concerned only and not to the students, hence, the contention of the learned counsel for the Panjab University as well as the State of Punjab that they have paid the amount to the student concerned and the students are liable to reimburse the Institution/University, cannot be accepted in the absence of any proof presented before this Court.

18. Further, not even a single document has been placed on record either by the Union of India or by the State of Punjab that any amount was paid by them directly to any of the petitioner/student.

19. Needless to say that in case, it comes to the knowledge of the Panjab University or Institution(s) concerned that the amount for which they are entitled under the Post Matric Scholarship Scheme, Punjab for Schedules Castes has been paid directly to any of the petitioner, they will be at liberty to raise claim qua the said petitioner/student to furnish the said amount to the University and in case, the same is not done and it is proved that the student/petitioners had received the amount, appropriate proceedings can be initiated by the University or Institution(s) concerned against such student even by filing a writ petition before this Court or by initiating proceedings under the Land Revenue Act but the University or the Institution(s) will not retain any of the document of even such students.

20. As the dispute is between the State of Punjab and Government

of India and the Institution(s)/University concerned, which are yet to receive the grant under the Post Matric Scholarship Scheme, Punjab for Schedules Castes Students a direction is issued to the Chief Secretary of the State of Punjab and to the Secretary, Department of Social Justice and Empowerment of Government of India to hold a joint meeting to resolve the dispute with regard to the payment of the amount under the Post Matric Scholarship Scheme, Punjab for Schedules Castes Students within a period of one month from the date of receipt of copy of this order. Within a further period of 08 weeks of the first meeting, the issue with regard to the payment is to be resolved pending consideration between the State of Punjab and Union of India failing which, the same will be treated as a violation of order of this Court.

21. After resolving the issue, whatever liability of the State of Punjab as well as of the Union of India, the same will be ascertained and the liability of Union of India will be paid to the State Government and the respondent-State will further discharge its liability after receiving the due amount if any admissible to the Institution(s)/University concerned who have already raised their claim qua the expenditure incurred for imparting studies to the students under the Post Matric Scholarship Scheme, Punjab for Schedules Castes. It will be the duty of the respective Departments of the Government of India and the State of Punjab to clear the entitlement of the respective Institutions/University upto 30.06.2025 under all circumstances qua entitlement under Post Matric Scholarship Scheme, Punjab for Schedules Castes

22. In case any of the Institution(s) has not raised any claim before

the Union of India or the State of Punjab, they will be at liberty to give their details of entitlement by filing an appropriate representation along with the necessary documents with the respective departments of the Government of Punjab as well as before the appropriate Department of Government of India within a period of three weeks from today.

23. In case, any Institution(s), who has raised the claim for reimbursement of the amount incurred under the Post Matric Scholarship Scheme, Punjab for Schedules Castes and have not been reimbursed, they will be at liberty to avail appropriate remedy including the initiation of contempt proceedings against the officers of Government of India as well as the Government of Punjab. The same liberty will be given to Panjab University that in case, any of the entitled amount is not reimbursed. The Panjab University will also be within its jurisdiction to raise their claim directly before the Union of India as well as the State of Punjab. The resolution of the said claims by the State/Union of India should be in writing by giving the details of the stand taken by the Union of India as well as by the Government of Punjab qua the claims raised by the respective Institution(s).

24. Learned counsel appearing for the Institution(s) submits that the State of Punjab is also deducting certain amounts wrongfully from their entitled claims and the said issue will also be raised before the State of Punjab in the representation to be filed under this order.

25. Learned counsel for the respondent-State submits that all the issues raised in the claim including any deductions made by the Government, will also be looked into and decided within the time frame



granted and thereafter, whatever amount is due to the Institution(s) will be released by passing an appropriate speaking order qua every Institute, who has raised claim in pursuance to this order.

- 26. Present petitions are disposed of in above terms.
- 27. A photocopy of this order be placed on the files of connected cases.
- 28. Civil miscellaneous application pending, if any is also disposed of .

January 09, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

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