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CWP-27886-2024 (O&M)

**JANAK RAJ AND OTHERS
VS
STATE OF PUNJAB AND OTHERS**

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

None for the State of Punjab.

Mr. Subhash Ahuja, Advocate,
for respondent No.4-University.

Ms. Gurmeet Kaur Gill, Senior Panel Counsel,
for respondent No.6-UOI.

The Vice-Chancellor and the Registrar of Panjab University are present through video conferencing, They have apprised this Court that there are various decisions of Senate/Syndicate of the University and the same will be placed on record.

Mr. Subhash Ahuja, learned counsel appearing on behalf of the respondent-University has stated that various other documents including the aforesaid decisions will be placed on record to substantiate his case.

Further presence of the Vice-Chancellor is exempted till further orders. However, on the next date of hearing, the Registrar of the University shall remain present in the Court.

It is a case where the students have been denied the benefit of grant of their original Degrees and DMCs because of non-payment of examination fee i.e. for non-payment of money. The money was to be paid by different Colleges which were affiliated with the University and the reimbursement was to be taken from the State by way of a Scheme

which was formulated by the Government of India known as Post Matric Scholarship Scheme.

Ms.Gurmeet Kaur Gill, learned Senior Panel Counsel appearing on behalf of the Union of India stated that so far as the Union of India is concerned, whatever amount was due towards the Union of India has already been paid by it to the State of Punjab.

Today, nobody has appeared on behalf of the State of Punjab.

It is a matter wherein as per the learned counsel for the University and the Registrar of the University who has appeared through video conferencing that the Degrees and DMCs not only of the present petitioners but also of about hundreds of students have been retained by the University because of non-payment of money. This Court therefore takes a very serious view in view of the fact that the students have been permitted to take the examination and as per the learned counsel for the respondent-University so far as the present petitioners are concerned, even their results have been declared but original Degrees and DMCs have been withheld because of non-payment of money. This Court is of the view that it cannot shut its eyes towards what is happening because ultimately the career of the students is involved, more particularly when some of the students have not been granted their Degrees for the last 4/5 years. In one case titled as *Meena Kumari Versus State of Punjab and others* (Annexure-12), when the petitioner filed the writ petition, the same was allowed and a direction was issued to the University to grant her Degree. As per learned counsel for the respondent-University, the aforesaid judgment has been

implemented and the Degrees have been awarded, although an LPA has been filed against the aforesaid judgment in which notice has been issued but there is no interim order. It is a settled law that whenever the Court issues directions on an issue, then those who are similarly situated persons should not be compelled to file separate writ petitions.

The maxim *interest reipublicae ut sit finis litium* which means that it is in the interest of the State to put an end to litigation. Panjab University, Chandigarh is not only an esteemed University but is also an instrumentality of the State. It is, therefore, necessary that some directions should be issued to the respondents in this regard. The reason which has been given by the University today is that the money was to be paid by the College which is a Government College and by other Colleges but ultimately the money has to come partly from the State of Punjab and partly from the Union of India. As per the counsel for the Union of India, the money has been paid by the Union of India to the State of Punjab but the State of Punjab has further not paid.

At this stage, Mr. Kuljit Singh, Additional Advocate General, Punjab has appeared on behalf of the State of Punjab but he is not aware of the facts of the present case.

Considering the seriousness of the matter whereby career of the hundreds of students is at stake by non-granting of Degrees for the last 4/5 years notwithstanding the fact that they have taken all the examinations, cleared the same and qua some of them results have been declared, this Court is of the considered view that it will be just and proper to direct the

presence of the concerned officers of the State of Punjab. It is, therefore, directed that the Principal Secretary, Department of Higher Education, Punjab, Principal Secretary, Department of Finance, Punjab and Principal Secretary, Scheduled Caste & Backward Classes Welfare Department, Punjab shall remain present in the Court on the next date of hearing alongwith the entire record to explain as to why the amount of Scholarship has not been paid to the Panjab University. Although the learned counsel appearing on behalf of the Union of India has stated that the money has been paid by the Union of India but it is directed that any senior officer of the Union of India through Department of Social Justice and Empowerment who is well acquainted with the facts of the case will also be present in the Court.

On the next date of hearing, this Court will also consider as to why the students who have not been granted their respective Degrees because of money be not compensated and as to who should compensate them by fixing of responsibility.

Adjourned to 04.11.2024.

(JASGURPREET SINGH PURI)
JUDGE

28.10.2024

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