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Court No. - 8

Case :- MISC. SINGLE No. - 14258 of 2021

Petitioner :- Ram Avatar Kalyani Devi Kanya Mahavidyalay Thru
Manager &Ors

Respondent :- State Of U.P. Thru Prin.Secy.Higher Education Lucknow
& Ors.

Counsel for Petitioner :- Lalit Kishore Tiwari,Himanshu Shukla

Counsel for Respondent :- C.S.C.,Savitra Vardhan Singh

with

Case :- MISC. SINGLE No. - 14381 of 2021

Petitioner :- C/M Madhuri Singh Mahavidyalaya Thru Manager & Ors

Respondent :- State Of U.P. Thru Prin.Secy. Higher Education Lko. And
Ors.

Counsel for Petitioner :- Abhishek Singh

Counsel for Respondent :- C.S.C.,Anurag Kumar Singh,Savitra Vardhan
Singh

with

Case :- MISC. SINGLE No. - 14473 of 2021

Petitioner :- C/M Shri Jagdev Singh Mahavidyalaya Thru. Manager &
Ors.

Respondent :- State Of U.P. Thru. Prin. Secy. Higher Education,Lko.&
Ors.

Counsel for Petitioner :- Abhishek Singh,Sameer Singh

Counsel for Respondent :- C.S.C.,Savitra Vardhan Singh

Hon'ble Vivek Chaudhary,J.

1. Heard learned counsel for petitioner colleges, learned Standing Counsel for the State and Sri Savitra Vardhan Singh, learned counsel for respondent University.

2. Present writ petitions are filed by the petitioner colleges for quashing of the order dated 04.07.2021 whereby a penalty of

Rs. 500/- per student was imposed by the University upon the colleges for deposit of late fee as the examination fee was deposited by the colleges after the last date for deposit had expired.

3. This Court passed an interim order dated 12.07.2021 in Writ Petition No.14473 (M/S) of 2021 (C/M Sri Jagdev Singh Mahavidyalaya Vs. State of U.P. & Ors.) requiring the colleges to deposit only Rs. 250 per student as late fee for allowing students to appear in the examination. The University has permitted all the students to appear in the examination. Meanwhile, the University has also recalled its earlier order dated 04.07.2021 and permitted all the colleges to deposit only Rs. 250/- per students as late fee. Since, the University itself has modified its earlier order dated 04.07.2021, which stands complied in petitioners' case also, therefore, there is no requirement for passing of any further order with regard to late fees. The examination of students of the petitioner colleges, which the University has already taken, only result thereof is now required to be declared. The Court in the given circumstances, the colleges have already complied and deposited the required late fee, as per the amended order of the University, direct the University to declare their result within ten days from today.

4. Before parting with the case, the Court would like to point out the fraud being played by large number of colleges. The colleges collect fee from their students for the entire year, including the examination fee required to be deposited by them with the University. However, the examination fee is not deposited by them with the University in time. The amount is retained by the colleges in their bank accounts. This act amounts to playing fraud both upon the students as well as upon

the University concerned. Such activity should be immediately stopped. The action in this regard ought to be taken by both, the University as well as the State Government. It has come before this Court that Universities charge late fee from the erring colleges. In absence of any specific provisions, the colleges transfer the said late fee upon the students, while there is no fault of the students. The Universities have not yet framed any specific provision providing that in such cases late fee and penalty would be imposed upon the colleges only, which they would be barred from recovering from their students. The Universities should specifically provide such a provision before opening of any academic session. Unless the Universities clarify the same, it is very difficult to stop this fraudulent practice adopted by the colleges. It is expected that the Universities as well as the State Government shall expeditiously look into the matter.

5. Let a copy of this order be forwarded to the respondent no.1 Principal Secretary, Department of Higher Education, Government of U.P. Civil Secretariat, Lucknow. Mr. Pankaj Khare, learned Additional Chief Standing Counsel will take appropriate steps for the same.

6. With the aforesaid, present writ petition is ***disposed of***.

Order Date :- 8.10.2021

Arti/-

(Vivek Chaudhary,J.)