

(2015) 01 RAJ CK 0036

In the Rajasthan High Court

Case No : Special Appeal (Writ) No. 57/2015 in Civil Writ Petition No. 795/2014

Lokesh Saini and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 21-01-2015

Acts Referred:

Citation : (2015) 4 CDR 2079

Hon'ble Judges : Sunil Ambwani, Acting C.J.;Prakash Gupta, J.

Bench : Division Bench

Advocate : R.P. Garg, for the Appellant

Final Decision : Dismissed

Judgement

1. We have heard learned counsel appearing for the appellants.
2. The compliance of the formal defects, pointed out by the Registry in this Special Appeal, is dispensed with, and the matter was heard.
3. Learned Single Judge, by his judgment dated 08.12.2014, dismissed the writ petitions filed by the Regional Engineering College Dhamotar Pratapgarh, and the students of the VIIIth Semester of B.Tech Course, challenging the notice given by the Rajasthan Technical University (the University) by which the students of 5th and 7th Semester, B.Tech., sought to be transferred by the University, to complete their studies in some other colleges, affiliated to the University.
4. Learned Single Judge found that on the request of the College, the All India Council for Technical Education(AICTE) has permitted a progressive closure of the College on the ground that in the absence of the teaching faculty and other infrastructure, the College was unable to continue the B.Tech Course.
5. On a sudden inspection of the College on 20.10.2012, conducted by the Officials of the University, with which the College is affiliated, it was found as follows:-

1. The Director/Principal of the college was not available at the time of inspection;
2. Faculty and supporting staff of the college were also not available;
3. Students belonging to college were not found in the collage campus;
4. A polytechnic college was running in the building set apart for the engineering college;
5. The students of the engineering college were studying at Jaipur and the complaints made by the students through the Collector Pratapgarh, seemed to be partially true that the students were forced to study at Jaipur."
6. A copy of the inspection report was communicated by letter dated 06.12.2012 to the petitioner-College. It was stated that while seeking NOC for closure of the entire B. Tech Course, the College had submitted an undertaking, to provide the requisite infrastructure facilities to the existing students. The inspection however demonstrated that the College had failed to do so. The University required the College to take steps for providing requisite facilities to the students of academic years 2010-11 and 2011-12 under the pain of penal action.
7. It appears that despite the fact that the petitioner-College wanted closure of B.Tech Course, it was desirous of transfer of its students to its "sister colleges" at Jaipur, run by the management of the petitioner-College i.e. Deepshikha Kala Sansthan Group of Institutions, Jaipur, and Regional College for Education Research and Technology, Jaipur. An application was made by the College to the Rajasthan Technical University for transfer of its students as per their own option to the said two colleges. The University, vide Notification dated 13.01.2014, issued in pursuance to the directions of 34th Board of Inspection and approval of the Vice Chancellor of the University, decided to transfer the students and invited options from Vth and VIIth Semester B.Tech students of the petitioner-College, admitted in the academic years 2010-11 and 2011-12, to opt for and shift as per their choice to other colleges, affiliated to the Rajasthan Technical University against vacant seats in such colleges. A notice was also issued, by which the students were required to be physically present at Vice Chancellor Secretariat, Rajasthan Technical University, Kota on 23.01.2014, for the final shifting, as per seat availability and their choice.
8. The notice was challenged on the ground that the progressive closure permitted by the AICTE, had conferred a right on the petitioner-College and a corresponding right on the students to continue with the studies of the students admitted by them, and that the Rajasthan Technical University has violated the principles of natural justice in not allowing the students of the College to pursue their studies in the sister colleges of the subject College, run under the same management.
9. Learned Single Judge found that on admitted facts the AICTE, on a conditional "No Objection Certificate" given by the University for the progressive closure of the College, allowed a progressive closure of various B.Tech branches, run by the

College. The College, under the conditional No Objection Certificate, was required to ensure that requisite funds and infrastructure facilities such as laboratory, library, computers etc., were made available till all the admitted students completed their respective courses. The sudden inspection by the University on 20.10.2012, however, demonstrated that the College had completely failed to comply with the undertaking and that there was no faculty or infrastructure available, to allow the students to complete their studies.

10. Learned Single Judge held that in the circumstances, the Rajasthan Technical University has in fact come to the rescue of the students to complete their studies in other colleges, affiliated to the University and thus, no interference was required to be made in the matter.

11. Learned counsel appearing for the students, who are appellants before us, submits that only two months of studies are left before appearing in the VIIIth Semester's examination, which is the last semester for completing the course. At this stage, the students should not be allowed to shift to other colleges, affiliated to the University as the shifting will disturb their studies and cause undue hardship to the students. They have continued their studies in the College for last 3-1/2 years. They will be placed under different faculty for completing their courses. The College, on its own, has offered to shift them to its sister colleges, run under the same management, to complete the studies.

12. We do not find any error in the judgment of learned Single Judge, in which he has held that in the absence of any teaching faculty or infrastructure facilities, the students cannot continue to complete the course in the College. In fact, the Rajasthan Technical University was under an obligation to ensure proper education of the students admitted to its affiliated colleges, and that it is discharging its obligation to do so. The students cannot insist to complete their studies in the college, in which no faculty or infrastructure is available, or in other College run by the same management.

13. We do not find any justification in the prayer made by the College, to allow the students to complete their studies in its sister colleges as it is not the choice of the Management, but of the University to protect the interest of the students and as such, the request was rightly declined. The University has made a bona fide offer to accommodate the students to complete their studies in other colleges affiliated to the University, and has now during the pendency of the proceedings in the Court, published another Notification dated 17.01.2015, in compliance of the orders of the High Court, requiring the students of 8th Semester B.Tech Course, to be physically present for final shifting to other affiliated colleges of the University, and for that purpose, to appear before the VC Secretariat, Rajasthan Technical University, Kota on 23.01.2015 for counseling.

14. We do not find any good ground to interfere with the judgment of learned Single Judge. The Rajasthan Technical University has, in fact, taken timely action to save the career of the students by accommodating them against the vacant

seats in other affiliated colleges, to complete their studies of B.Tech Course.

15. The Special Appeal is dismissed.