
(2009) 05 P&H CK 0133
In the Punjab And Haryana At Chandigarh

M.G.S.M. Janta College

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 15-05-2009

Acts Referred:

Citation : (2009) 05 P&H CK 0133

Hon'ble Judges : Ajai Lamba, J

Bench : Single Bench

Judgement

Ajai Lamba, J.—Learned Counsel contends that the petitioner is entitled to release of grant-in-aid. The same, however, is not being released and therefore, the petitioner-College is not in a position to pay the salaries.

2. In this regard, learned Counsel has relied on the decision dated 21.3.2009 of this Court in Civil Writ Petition No. 4464 of 2009 titled "BLM Girls College, Arya Samaj, Nawanshahr v. State of Punjab and Ors."

3. Notice of motion.

4. Mr. Anil Sharma, Senior Deputy Advocate General, Punjab, on the asking of the Court accepts notice. Copy of the petition has been handed over. Learned Counsel for the respondents has not been able to dispute that the grant-in-aid is required to be released in terms of judgment relied upon on behalf of the petitioner. In the case of BLM Girls College, Arya Samaj, Nawanshahr (supra), this Court, while relying on judgment dated 18.12.2007 in C.W.P. No. 14340 of 2006, titled "Arya College, Ludhiana v. State of Punjab and Ors." and decision dated 24.4.2008 rendered in Civil Writ Petition No. 5393 of 2008, titled "Ramgaria College of Education, Phagwara v. State of Punjab and Ors.", has held:

Considering the facts and circumstances of the case; in terms of judgment rendered in Arya College's case (supra) and decision rendered in C.W.P. No. 5393 of 2008, decided on 24.4.2008, in case titled "Ramgaria College of Education, Phagwara v. State of Punjab and Ors.", it is directed that the respondents shall pay 85% of the grant-in-aid due to the petitioner within a

period of 3 months after clearance of objections by the petitioner. So far as balance 15% of the amount of grant-in-aid is concerned, the petitioner may submit separate representations to the respondents.

5. In Ramgaria College of Education, Phagwara (supra), the following has been held by the Division Bench of this Court:

Learned Counsel for the petitioner has placed reliance on the judgments State of Maharashtra Vs. Manubhai Pragaji Vashi and others, ; Govt of Andhra Pradesh and Others Vs. G.V.K. Girls High School, and State of Haryana and Ors. v. Babita Yadav and Ors. 2004(13) S C C 734, to contend that the paucity of funds or financial contributions cannot be taken a ground to deny the grant-in-aid to Government recognized private colleges while extending such facility to recognized private colleges by the State.

6. After hearing the learned Counsel for the parties, we are of the considered view that the case of the petitioner is squarely covered by the decision in the State of Maharashtra v. Manubhai Pragaji Vashi and Ors.; Government of A.P. and Ors. v. G.V.K. Girls High School and State of Haryana and Ors. v. Babita Yadav and Ors. (supra). The State Government cannot take up the ground that due to paucity of funds, it is unable to give grant-in-aid to the colleges. In view of the above, we hold that the respondents shall pay 85% of the grant-in-aid as claimed by the petitioner within a period of three months, after the clearance of the objections by the petitioner. The petitioner shall try to clear all the objections raised by the State Government within a period of one month from today. As far as balance 10% of the amount of grant-in-aid case is concerned, the petitioner may submit a separate representation to the respondents.

7. The respondents are also further directed to release the grant-in-aid to the petitioner in future also in time." In another judgment dated 19.2.2008 rendered by a Division Bench of this Court in Civil Writ Petition No. 3191 of 2007 titled 'The Managing Committee, Guru Gobind Singh College, Saghera, Barnala, District Sangrur v. State of Punjab and Anr.', similar view has been taken as in the case of Ramgaria College of Education, Phagwara (supra). It has been brought out that State of Punjab filed a SLP before the Hon"ble Supreme Court of India directed against the judgment rendered in Civil Writ Petition No. 3191 of 2007. The Hon"ble Supreme Court of India while dealing with SLP No. 15798 of 2008 dismissed the petition on 8.12.2008 by passing the following order:

Delay condoned. We find no merit in this petition which is accordingly dismissed. However, two months time is granted to the petitioner State of Punjab to release the amount which is due and payable to the respondent College subject to removal of objections pointed by the High Court in the impugned order.

8. Considering the facts and circumstances of the case; in terms of judgments to which reference has been made hereinabove, it is directed that the respondents shall pay 85% of the grant-in-aid due to the petitioner within a period of 4 months after clearance of objections by the petitioner. So far as balance 15% of

the amount of grant-in-aid due is concerned, the petitioner may submit separate representations to the respondents.

9. Petition is allowed in the above terms.