

(2012) 03 AHC CK 0077

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No"s. 9794, 6815, 9792 and 11508 of 2012

Raghubir Saran Degree College Lakhanpur, Sikandara,
District Agra and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Uttar Pradesh State universities Act, 1973 — Section 37(2)

Citation : (2012) 6 ADJ 717

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Advocate : Neeraj Tripathi, Ashok Khare and Vishnu Shanker Gupta, for the Appellant; Sanjay Kumar Singh, Vivek Verma and S.C., for the Respondent

Judgement

Hon"ble V.K. Shukla, J.—In this bunch of the writ petitions, petitioners have approached this Court requesting therein for quashing of the impugned decision of the State Government dated 20.12.2011 wherein State Government has proceeded to refuse to accord students to the petitioners" institution for the Academic Session 2011-2012 and further challenge has also been made to the decision of the Executive Council wherein Executive Council in its turn has proceeded to suspend the affiliation accorded to the petitioners" institution for the Academic Session 2011-2012. In all the four writ petitions, common question of fact and law is involved, hence all these four writ petitions have been taken up together, and are being heard and decided by common judgment and Civil Misc. Writ Petition No. 9794 of 2012 has been treated as leading writ petition.

2. Petitioners before this Court are running B.Ed. Courses at their respective institutions after having due recognition from the National Council for Teachers Education. The petitioner institutions have already been accorded affiliation in terms of Section 37 (2) of the U.P. State universities Act, 1973. It appears that against the institutions concerned, large scale complaints had been made in

respect of illegal extraction of money from the students. On the said complaints enquiry appears to have been conducted in the matter, thereafter report was submitted and based on the said report clarification was sought for from the petitioners with regard to illegal collection of fees and harassment of students admitted in their Colleges in the academic session 2010-11. In the said letter, it was mentioned as to why on the grounds disclosed in the inquiry report their affiliation be not terminated. On the very next day, the State Government issued Government Order dated 14.7.2011 granting permission to the University u/s 37 (8) of the Act for termination of affiliation of the petitioners institutions, alongwith other similarly situated institutions. At the said point of time writ petition had been preferred before Lucknow Bench of the Court, being writ petition No. 4095 of 2011, Shree Rabhubir Saran Degree College and another v. State of U.P. and others. The aforesaid writ petition was allowed on 19.7.2011, whereby the order of the State Government dated 14.7.2011 was set aside, and the Court had directed the University to hold enquiry in accordance with law keeping in view the observations made in the judgment within two weeks from the date of receipt of the order. Petitioners have contended that Sri Prabhash Dwivedi had not been acting fairly in this background and they were compelled to file writ petition No. 4610 of 2011, Shree Rabhubir Saran Degree College and another v. State of U.P. and others, wherein this Court was pleased to ask the Vice-Chancellor of the University to replace Prabhash Dwivedi vide order dated 5.8.2011. The Vice Chancellor constituted two member committee comprising Professor R.K. Gautam and Dr. Sujata, Principal of the College, and one Sri Akhilesh Agrawal, Superintendent, was directed to assist the Enquiry Committee. Thereafter, the Committee conducted enquiry and submitted its report on 9.8.2011. Petitioners have submitted that the said Enquiry Committee found no conclusive evidence to come to the conclusion against the institutions, however, the matter was placed in the emergent meeting of the Executive Council of the University on 21.8.2011, and therein, it has been resolved to suspend the affiliation of the institutions in question for the academic year 2011-12, as the institutions in question were involved in illegal collection of fees and harassment of students, and further penalty of Rs. 5 to 10 lacs has been imposed.

3. After the said order has been passed by the Executive Council, Civil Misc. Writ Petition Nos. 52453 of 2011, 60594 of 2011, 52458 of 2011 and 56667 of 2011 had been filed before this Court and this Court on 1.11.2011 passed following order, relevant extract of the same is as follows.

In order to consider the foremost arguments, which have been so advanced, authority of the Executive Council as enshrined u/s 21 (1) (ix) of the Act as well as the authority of the State Government u/s 37 (2) of the Act, are being looked into and examined. For ready reference the aforesaid provisions are being quoted below:

21. Powers and duties of Executive Council.--(1) The Executive Council shall be the principal executive body of the University and subject to the provisions of

this Act, have the following powers, namely-

(i).....

(ii).....

(iii).....

(iv).....

(v).....

(vi).....

(vii).....

(viii).....

(ix) Subject to the provisions of Section 37 to admit any college to the privileges of affiliation or recognition or enlarge the privileges of any college already affiliated, recognized or withdraw or curtail any such privilege,"

"37. Affiliated Colleges.--(2) Executive Council may, with the previous sanction of the Chancellor admit any college which fulfills such conditions of affiliation, as may be prescribed, to the privileges of affiliation or enlarge the privileges of any college already affiliated or subject to the provisions of sub-section (8) withdraw or curtail any such privilege:

Provided that if in the opinion of the Chancellor, a college substantially fulfills the conditions of affiliation, the Chancellor may sanction grant of affiliation to that college or enlarge the privileges thereof in specific subjects for one term of a course of study on such terms and conditions as he may deem fit:

Provided further that unless all the prescribed conditions of affiliation are fulfilled by a college, it shall not admit any student in the first year of the course of study for which affiliation is granted under the foregoing proviso after one year from the date of commencement of such affiliation.

(7) The Executive Council may direct an affiliated college so inspected to take such action as may appear to it to be necessary within such period as maybe specified.

(8) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfill the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the [State Government], be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

(9) Notwithstanding anything contained in sub-sections (2) and (8), if the Management of an affiliated colleges has failed to fulfill the conditions of affiliation, the State Government] may, after obtaining a report from the

Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation."

On the parameters of the provisions quoted above, it is clearly reflected that the Executive Council is the principal executive body of the University and subject to the provisions of the U.P. State University Act has been conferred with the authority enumerated in clauses (I) to (xvii) of sub-section (1) of Section 21 of the Act. Sub-section (2) of Section 37 makes it clear that the Executive Council is entitled to admit any college to the privileges of affiliation or recognition or enlarge the privileges of any college already affiliated, recognized or withdraw or curtail any such privilege. The power of the Executive Council is thus subject to the provisions of Section 37 of the Act and sub-sections (8) thereof clearly provide that the privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfill the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the [State Government], be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes. Sub-section (9) of Section 37 of the Act clearly provides that notwithstanding anything contained in sub-sections (2) and (8), if the Management of an affiliated colleges has failed to fulfill the conditions of affiliation, the State Government] may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation. As on date, the authority of the Chancellor has now been substituted by the State Government, and now it is the State Government competent to accord affiliation u/s 37 (2) of the Act and to accord sanction for withdrawal of affiliation. Thus, the scheme of things clearly provide that the Executive Council can withdraw the privileges of affiliation, but it has to take prior sanction from the State Government. In the present case accepted position is that the Executive Council has passed resolution to suspend the affiliation for the academic year 2011-12 without taking any sanction from the State Government. Sanction in question has to be prior in time. In the present case such a decision has been taken by the Executive Council on its own without seeking any prior sanction from the State Government. The Executive Council thus has overstepped its authority, such an action on the part of the Executive Council cannot be approved of, as such resolution passed by the Executive Council is unsustainable.

Apart from it, in the present case, Executive Council has even proceeded to impose penalty after the report was submitted by the Enquiry Committee, but at no point of time, petitioners were informed that based on the said enquiry report petitioner's affiliation was going to be kept in abeyance and fine was to be imposed upon them. Such an action on the part of the Executive Council being in violation of the principles of natural justice, is not being approved of.

Consequently, writ petitions succeed and they are allowed. The impugned decision dated 21.8.2011 taken by the Executive Council is hereby quashed and

set aside. Let entire papers be placed within ten days before the State Government for appropriate decision on the papers submitted by the University, and while taking decision, the State Government shall also consider the request of petitioners for sending students to their colleges keeping in view the directive of Hon''ble Apex Court dated 22.7.2011, Institute of professional Studies v. State of U.P. Entire exercise be concluded by reasoned decision, within four weeks from the date of receipt of certified copy of this order"

4. Pursuant to order passed by this Court, University concern in its turn forwarded entire paper to the State Government and State Government in its turn proceeded to note down the fact that there has been demand of extra fees and complaint on prima facie basis stands substantiated and precise mention was made that for Academic Session 2011-2012 no students can be accorded. After the said order in question has been passed, Executive Council of the University on 25.1.2012 has proceeded to pass order suspending the affiliation for the Academic Session 2011-2012. Said order has been subject-matter of challenge by means of amendment application.

5. Counter-affidavit has been filed on behalf of the University and therein action taken has been justified and it has been sought to be contended that State Government has impliedly accepted and approved the decision dated 20.1.2011 of the Executive Council of the University, but stayed the penalty part of the decision of the Executive Council and directed the University to take appropriate action after reconsidering the same. The State Government has also rejected the prayer of the petitioners for allotting the students in B.Ed. Session 2011-2012. It has also been stated that except for Excellent Degree College, Agra and Roshan Singh Memorial College of Education, Agra, the name of all the colleges have been sent to Dr. Ram Manohar Lohia Awadh University, Faizabad for including their name in joint Entrance Examination of B.Ed Session 2012-2013 only after receiving an affidavit from those colleges to the effect that they will not harass the students in any manner and will not demand extra fees from the students. Recommendation has been made to the State Government for permanent de-affiliation of two colleges namely Excellent Degree College, Agra and Roshan Singh Memorial College of Education, Agra, from B.Ed Session 2012-2013 due to repeated complaint against them. It has been mentioned that Excellent Degree College has deliberately foiled the students in their practical examination of B.Ed Session 2010-2011 because they have made complaint against the college from different institution held the examination accordingly. Request has been made not to accord any relief and further it has been stated that schedule of Cobined Entrance Examination of B.Ed Session 2012-2013 has already been declared by Ram Monohar Lohia Awadh University, Faizabad and entrance examination forms are being distributed from 10.2.2012 and last date of submission of entrance examination is 10.3.2012. The Combined Entrance Examination for B.Ed Session 2012-2013 is fixed on 23.4.2012 and session has come to an end w.e.f. 1.12.2012. In view of this it has been stated that at this belated stage of proceeding when for Session 2012-2013 requisite exercise is to be undertaken

then writ petitions are dismissed.

6. Counter-affidavit has been filed on behalf of Mahatma Jyotiba Phule Rohilkhand University, Bareilly given therein details of registration and detail of candidates from pool.

7. Rejoinder-affidavit has been filed disputing the averments mentioned in the counter-affidavit filed on behalf for the University and thereafter with the consent of the parties, present writ petitions have been taken up for final hearing/disposal.

8. Sri Neeraj Tiwari, Advocate representing petitioner of Civil Misc. Writ Petition No. 9794 of 2012, W.P. No. 9792 of 2012, W.P. No. 11508 of 2012 as well as Sri Ashok Khare, Senior Advocate, assisted by Sri Vishnu Shanker Gupta representing petitioner of Civil Misc. Writ Petition No. 6815 of 2012 contended with vehemence that in the present case State Government has totally misdirected itself, at the point of time, when the State Government has proceeded to form opinion that charges stood substantiated and further at the point of time when the students have been refused for Academic Session 2011-2012 and further Executive Council has transgressed and over stepped its jurisdiction in suspending the affiliation for Academic Session 2011-2012, as such writ petition in question deserves to be allowed with the direction to provide student for Academic Session 2011-2012.

9. Countering the said submission, learned Standing Counsel as well as Sri Sanjay Kumar Singh, Advocate representing University on the other hand contended that rightful view has been taken in the matter and no interference whatsoever should be made, in the facts and circumstances has been reflected.

10. Sri. Vivek Verma, Advocate gave details of the registration of the students from the pool and qua the counselling exercise so undertaken.

11. After respective arguments have been advanced, factual situation on which there is no dispute that in the past on 21.8.2011 decision have been taken by the Executive Council doing away with the affiliation, said action of the Executive Council has not been approved by this Court. In the judgment dated 1.11.2011, as Executive Council on its own had no authority to pass any order withdrawing affiliation or curtailing affiliation under sub-sections (2), (8), (9) of Section 37 of U.P. State Universities Act, 1973, this Court proceeded to quash the order dated 21.8.2011 and also directed the authority concern to place the paper within ten days before the State Government for appropriate decision on the papers submitted by the University and it was also additionally mentioned that at the point of time when the decision is to be taken, State Government shall also consider the request of the petitioners for sending students to their colleges, keeping in view directives of Apex Court dated 22.7.2011. Pursuant to the order passed by this Court, State Government has taken up the matter and thereafter it appears that opportunity of hearing had been provided and matter was heard on 8.12.2011, and on the basis of hearing which took place on 8.12.2011,

opinion has been formed that complaint which has been made in respect of excess demand of amount, stood substantiated on prima facie basis and further mention was made that affidavit which has been given by the students is under the influence of Management and further it was mentioned that teachers are not of prescribed standard and records have been found to be manipulated. Thereafter, State Government has proceeded to mention that minimum requirement of attending the classes 180 days as per N.C.T.E. norms and for this session it would not be at all appropriate to give student for Academic Session 2011-2012. Representation accordingly has been decided and in reference to imposition of penalty, same has been stayed and Executive Council has been directed to take decision. Thereafter, Executive Council in its turn has taken decision suspending the affiliation for Academic Session 2011-2012 and recommendations have been made for canceling the affiliation in respect of Excellent Degree College, Agra and Roshan Singh Memorial College of Education, Agra.

12. State Government at the point of time, when it has proceeded to consider the matter of giving sanction for action to be taken in respect of curtailment of affiliation by the Executive Council, and once this Court had given precise direction that reasoned decision is to be taken, then much more reason ought to have been given as to in what way and manner circumstances has been substantiated that there has been demand of fees excess from the students and other illegalities stood substantiated, State Government has not at all discussed any material whatsoever which was there on record, which would substantiate charges being proved. State Government has proceeded to make mention of the inquiry report conducted by the Regional Higher Education Officer, report of Deputy Registrar and two member Committee. Material adverse to the petitioners found in the said inquiry has not at all been discussed. Charges are serious in nature if found proved, institution in question is liable to loose its affiliation as such, such matters should be decided objectively with all seriousness, in the present case, order passed by the State Government is unreasonable, and cryptic order on this score as mere mention of report has been made without discussing material available which substantiate the charges, and ignoring the view point of the Managing Committee as given in the representation dated 8.12.2011. Report dated 9.8.2011 is itself inconclusive. Once finding of guilt is to be returned then it should be returned with the discussion of adverse material available on record in support of the same and after taking into account reply so submitted by the incumbent, if any, then only opinion formed can be sustained, failing which decision making process would be bad. In view of this order passed by the State Government and observation made by the State Government is not being approved of. Executive Council in the present case in spite of the fact that there was no positive order in black and white according prior sanction to curtail affiliation for academic session 2011-2012, has proceeded to pass order of suspension of the affiliation for Academic Session 2011-2012. Once action for withdrawal of affiliation has to be

taken after taking prior sanction, then prior sanction in question should be with positive mandate and Executive Council should not be left to search by way of implication that there is prior sanction. In the present case order passed by the State Government in no way in positive manner accorded sanction to take action for suspension of affiliation for the Academic Session 2011-2012. It is true that on prima facie basis, opinion has been formed that charges stands proved, but at no point of time, State Government ever asked the Executive Council to take decision for suspending affiliation except for mentioning that penalty part is stayed and Executive Council should re-determine. Decision of State Government on this score is not being approved of. In view of this action taken of suspending affiliation for session 2011-2012 is not being approved of and to that extent order passed by the State Government as well as of Executive Council is set aside.

13. Petitioner's next emphasis is for providing students for Academic Session 2011-2012.

14. At this juncture, the judgment of Apex Court in the case of College of Professional Studies v. State of U.P., is being extracted below:

2. These appellants challenge the judgment dated 23.3.2010 passed by the Allahabad High Court, which quashed Government Order dated 15.10.2009 issued by the state Government declaring the session 2009-10 for B.Ed courses as "zero year", but declined to grant relief to the students admitted to B.Ed courses for the year 2009-2010.

3. In regard to admissions for 2011-12, the following time schedule was agreed, as recorded in the interim order dated 11.3.2011

1.

Publication of Advertisement

10.3.2011

2.

Sale of Application Forms and their submission

From 21.3.2011 to 10.4.2011

3.

Date of Entrance Examination

2.6.2011

4.

Declaration of Result

5.7.2011

5.

First Counseling

From 14.7.2011 to 27.7.2011

6.

Admissions (after first Upto counseling)

31.7.2011

7.

Second Counseling, if required

From 3.8.2011 to 7.8.2011

8.

Admissions (after second Upto counseling)

10.8.2011

9.

Commencement of Academic Session

From 1.8.2011

4. In regard to admissions for academic sessions 2012-2013 and subsequent academic years, the institutions and the state Government have arrived at a broad consensus regarding the procedure, the terms of which have been set out in the affidavit filed by Dr. R.K. Gupta, Associate Professor, Department of Higher Education, Government P.G. College, Noida on behalf of the State of U.P. The terms agreed are as under:

(i) To ensure that all seats in the colleges are filled through counseling pursuant to Entrance Examination, the Colleges are required to update their websites daily and display the number of students admitted as well as the number of seats vacant. For this purpose, each college shall have an official websites giving the details of total sanctioned seats, bank account etc. During the course of counseling, they will update their official website on day to day basis regarding vacant seats after admissions. The colleges shall also communicate the said particulars on daily basis to the Registrar of concerned University (Examination conducting body) through mail/telephone/Fax.

(ii) Every college will display its Bank Account Number and its name on its website and also provide to the concerned University (the examination conducting body). Any student, who is allotted to a particular college through counseling after the B.Ed. Joint Entrance Examination, will deposit his fees directly with the CBS Branch of the said Bank Account of the college to which he is allotted, within three days from the day of counselling. Subsequently, the said

student will make available the copy of the proof of fee deposited to the concerned college and the concerned University. The concerned college will display the same on its website alongwith the details of the students. If any student faces any difficulty in depositing of the fee in the CBS account of the college to which he is allotted, he can immediately contact the University, the college and if required then concerned District Magistrate.

1.

Publication of Advertisement

1.2.2011

2.

Sale of Application Forms and their submission

10.2.2012 to 10.3.2012

3.

Date of Entrance Examination

20.4.2012 to 25.4.2012

4.

Declaration of Result

25.5.2012 to 30.5.2012

5.

Commencement and completion of counseling

1.6.2012 to 25.6.2012

6.

Last Date of Admissions after counseling

28.6.2012

7.

Commencement of Academic Session

1.7.2012

[Note : for subsequent years, the same dates and months will apply]

(iv) From 2012-13, there will be only one counseling, which will continue for a period of 25 days. During the counseling, if it is found that a candidate/s allotted to any college do not turn up to take admission, the college shall inform the Counseling Authority and upon receipt of such information, another set of candidates will be sent to such colleges after counseling. The said counseling will

be continuous to expedite the procedure of admission till closure of admission, without any second or third round of counseling.

(v) As per the schedule agreed for the year 2011-12, as per order dated 11.3.2011 of the Supreme Court, the admission process will be completed by 31.7.2011 after the first counselling. Subsequently, any vacant seats ascertained, will be filled up through second phase of counselling conducted from 3.8.2011 to 7.8.2011. Thus, the whole process of admission to all the seats of B.Ed. course shall be completed by 14.8.2011.

(vi) After that date (14.8.2011) if any seat remains vacant in a private college then to fill up the same the following course may be followed to ensure filling up all the vacant seats through counseling only :

(a) A waiting list in the form of pool of about 5000 candidates will be prepared. The waiting list may be enlarged as per the requirement to fill up the vacant seats. The candidates registered with the pool will have to give an undertaking to the effect that they can be sent to any college having vacant seat for admission and they will have no objection. The candidates registered with the pool/waiting list will be arranged as per merit and will be allotted the colleges having vacant seats in their subjects according to their merit. This option will be exercised only after the end of counselling and be adopted only on the request of the colleges for filling up their remained vacant seats within three days from the last date of admission.

In such circumstances, the concerned university will provide the students from waiting list accordingly to fill up the seats but the entire process will be completed within 10 days, i.e. by 24.8.2011 for the session 2011-12 and 8th of July for the next consecutive years.

The wait listed pool candidates, shall alongwith the undertaking, deposit the fees with the University concerned and in case the candidates fails/refuses to join the allotted college as per his undertaking then the fee deposited with university will be remitted to the account of the college immediately, to which the students has been allotted by the university provided that the seats remained vacant during that academic session.

(b) After the counselling is over, the concerned University will continue to allot the candidates from the above mentioned waiting list against the vacant seats till all the seats in the colleges are filled up. It is further submitted that the organizing university will provide students only to the existing B.Ed. College and all those B.Ed. Colleges which will get affiliation upto dated 7.7.2011 will not be considered for counseling to the year 2011-12 and for the next consecutive years and onward the colleges which will be get affiliated on or before 10th of May of that year, would be considered for counseling.

(c) The organizing University will start on line help service through which the complaints of the candidates will be redressed. All the colleges concerned will

also provide their help line separately and after receipt of the complaints the organizing university will forward the same to the concerned college for redressal, failing which the organizing university will seek the explanation from the college concerned and if any default or omission is found on the part of the college, then the same would be forwarded to the Government for necessary actions against such college.

(d) The state shall take all endeavour to ensure admissions only through counseling after holding State Level Entrance Examination against all the seats sanctioned in self-financing institutions running B.Ed. Course.

(e) That in case any unforeseen difficulty arises regarding filling up vacant seats in the concerned colleges despite strictly following the procedure agreed, even after 24.8.2011, the colleges will be entitled to approach, for filling up their vacant seats, to Principal Secretary/Secretary of the Department of Higher Education, Government of UP who will arrange to provide selected candidates from the wait-list pool within 3 days from receipt of application to fill up those vacant seats.

(f) The same procedure will mutatis mutandis apply for the academic years 2012-13 and thereafter.

(vii) The state Government will adopt similar procedure in regard to filling of any vacant seats for the admission for the academic year 2012-13 and subsequent years.

5. The state Government will endeavour to formulate the above in the form of appropriate Admission Procedure Rules. Until the state Government makes such Rules, the above procedure will be applied.

6. Recording the above consensus, these appeals are disposed of, without disturbing the judgment of the High Court, except to the extent if any, modified by the above terms. The parties are at liberty to approach this Court for clarifications, if found necessary.

7. The costs awarded by the High Court in its impugned order against the respondents is deleted.

I.A. No. 23 in SLP (C) No. 13040/2010 and other applications

8. The students who were allegedly admitted to the B.Ed Course in the year 2009-10 have filed these applications for impleading/intervention. They submit that the observation in the order dated 27.8.2010 that "as far as the academic session 2009-10, the matter has become infructuous" is likely to be misinterpreted to their prejudice.

9. On the request of students who allege that they were admitted during 2009-10 on 11.3.2011, this Court had recorded their submission that they will give representations to the state Government for verifying whether they were admitted for the session 2009-10 and whether they have undergone the course

and to consider whether some equitable relief could be extended to them. The students/applicants submit that though they gave such representations, the state Government has not given any relief to them. Some of the representations have been rejected and remaining are stated to be still pending. They submit that dismissal of the SLPs on the basis of broad consensus between the appellant colleges and the respondents leave them without any relief, as their grievance is not addressed.

10. If the applicants in the said impleading applications have any grievance in regard to the impugned order of the High Court or about the non-consideration/rejection of their representations, such applicants will have to seek remedy independently, in accordance with law. The question of adjudicating their claims and contentions in these appeals does not arise.

All pending applications are disposed of accordingly.

15. As per judgment of Apex Court, for Academic Session 2011-2012 full fledged scheduled has been provided for and in case of any unforeseen circumstances vacant seat could be filled up even after 24.8.2011 and Principal Secretary of the State Government thereafter is obliged to arrange student from the wait list pool within three days from the date of receipt of application. Even after 24.8.2011 students can be sent from pool in cases of unforeseen difficulty. State Government at this juncture before proceeding to send students has to satisfy itself, as to whether, if at this state of proceedings when admissions are to be made after 29.8.2011, as to whether the prescribed norm of minimum classes would be fulfilled or not, for enabling the candidate to undertake examination. State Government in the present case has taken conscious decision by mentioning that minimum number of days prescribed for completing course/classes is 180 days as such and at the said juncture admission cannot be accorded as academic session has started and more than six months period has elapsed and for Academic Session 2012-2013 process is on. In view of this, once it is practically impossible situation to take admission and impart education for 180 days for Academic Session 2011-2012, then reason given by the State Government cannot be faulted. In view of this, request of the institution to provide students for Academic Session 2011-2012 is not being accepted and is being refused. Order passed by the State Government on this score stands upheld.

16. Consequently, in the fact of the case writ petitions stands partly allowed with the direction that University concern would be free to take decision qua Academic Session 2012-2013 in accordance with law. No order as to cost.