
(2009) 12 AHC CK 0247
In the Allahabad High Court

Rajesh Kumar and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-12-2009

Acts Referred:

Citation : (2009) 12 AHC CK 0247

Hon'ble Judges : Vikram Nath, J

Judgement

Vikram Nath, J.

Heard Sri P.S. Baghel, learned Senior Advocate assisted by Sri Gautam Baghel, Advocate on behalf of the petitioners, the learned standing counsel for the respondent no.1, Sri Sanjay Kumar Singh, Advocate representing the respondent nos.2 & 3 and Sri Anurag Khanna, Advocate representing the respondent nos.4 & 5.

1. All the aforesaid respondents may file counter affidavit within a month.
2. Issue notices to the respondent nos.6 and 7. Steps may be taken on or before 5.1.2010. In addition to normal mode of service, the petitioners shall also serve the respondent nos.6 and 7 outside the Court. The steps for Dasti notices may also be taken on or before 5.1.2010. The office shall handover the Dasti notices within 48 hours of its being submitted before the office fixing 8.2.2010. The petitioner shall serve the Dasti notices within a week thereafter. The petition may be listed on the date mentioned in the notices. Affidavit of service may be filed on or before the next date.
3. The petitioners appeared in the entrance examination conducted by the Dr. B.R. Ambedkar University, Agra respondent no.2 for admission to B.Ed. Course, 200809. They were selected and in the counselling conducted by the said University they were allotted Rudra Institute of Technology, Ghaziabad respondent no.6. The respondent no.6 Institute is affiliated to the Chaudhary Charan Singh University, Meerut respondent no.4. The petitioners after depositing the fee, were pursuing their studies in the said Institute. Later on it transpired that the

National Council for Teachers Education (NCTE) had withdrawn the recognition of the said Institute respondent no.6. The petitioners thereupon represented to both the Universities for being transferred and adjusted to some other institute having due recognition and affiliation to the Chaudhary Charan Singh University, Meerut. Correspondence took place between both the Universities and a decision was taken by consensus that the petitioners may be adjusted in any other college affiliated to the Chaudhary Charan Singh University, Meerut and the fee deposited by the petitioners in the respondent no.6 Institute be adjusted. The Chaudhary Charan Singh University, Meerut thereafter by order dated 11.12.2009 directed for adjustment of the petitioners in the Advanced Institute of Management, Ghaziabad respondent no.7. The petitioners thereafter approached the Advanced Institute of Management, Ghaziabad respondent no.7 but they are not being admitted as the respondent no.7 Institute is demanding from the petitioners Rs.60,000/ as fee and only upon its deposit that the admission would be given. According to the petitioners the fee for B.Ed. Course is controlled by the State Government and the State Government has already quantified the fee for B.Ed. Course to be Rs.27,536/. It is further submitted that the petitioners approached the Chaudhary Charan Singh University, Meerut respondent no.4 but no heed was paid to their request. It is in these circumstances that this petition has been filed for a direction that the respondent Universities be directed to adjust the petitioners along with their fee in any other college, affiliated to any University other than the Chaudhary Charan Singh University, Meerut.

4. The learned counsels for the respondent Universities admitted that the fee structure is determined by the State Government and at present the fee for B.Ed. Course is Rs.27,536/ only. It is further admitted that the affiliated colleges are bound by the directions of the State Government. The Universities to which such colleges are affiliated have control over such colleges to ensure that the fee structure is strictly adhered to. It is further admitted that there are vacancies in the Advanced Institute of Management, Ghaziabad respondent no.7 for adjusting the petitioners, who are 36 in number.

5. The Court is of the prima facie opinion that there is no necessity for the petitioners' for being adjusted to a college, affiliated to any University other than Chaudhary Charan Singh University, Meerut. The respondent nos.6 and 7 both the colleges are affiliated to the Chaudhary Charan Singh University, Meerut. The affiliating University must exercise its authority to ensure that the Government Orders are strictly followed and its decisions are duly honoured by the colleges affiliated to it. In case the university finds itself helpless in getting its directions complied with, then it should recommend to the State Government for withdrawing the affiliation of such institutes and also forfeit the security amount or else it shall be treated that the university is also working hands in glove with such institutions who are harassing the students by demanding exorbitant fee much in excess of what has been determined by the State Government.

6. In the circumstances an interim direction is issued to the Chaudhary Charan Singh University, Meerutrespondent no.4 to ensure that the petitioners are given admission in the Advanced Institute of Management, Ghaziabadrespondent no.7 without the said Institute insisting for any fee from the petitioners as the fee is to be adjusted from the fee deposited with the Rudra Institute of Technology, Ghaziabadrespondent no.6. The Chaudhary Charan Singh University, Meerutrespondent no.4 shall also ensure that the Rudra Institute of Technology, Ghaziabadrespondent no.6 refunds the fee deposited by the petitioners and if it fails all its security shall be forfeited by the respondentUniversity and be adjusted towards the fee of the petitioners. This exercise may be carried out within two weeks from the date of production of a certified copy of this order. The admission so provided to the petitioners shall be provisional subject to final outcome of this writ petition.