



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10972 of 2025
Decided on: 10.07.2025

Aman Chauhan & others	... Petitioners
Versus	
State of H.P. & others	... Respondents

Coram
Hon’ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?¹Yes

For the petitioners	:	Mr. Vivek Singh Attri, Advocate.
For the respondents	:	Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 to 3-State. Mr. Janak Raj, Central Government Counsel, for respondent No.4. Ms. Archna Dutt, Advocate, for respondent No.5. Mr. Yudhvair Singh Thakur, Advocate, for respondents No.6 and 7.

Ajay Mohan Goel, Judge (Oral)

Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, Mr. Janak Raj, learned Central Government Counsel, Ms. Archna Dutt, learned counsel and Mr. Yudhvair Singh Thakur, learned counsel, accept notice on behalf of respondents No.1 to 4, 5 and 6,7, respectively.

2. By way of this writ petition, the petitioners have, *inter alia*, prayed for the following reliefs:-

“i) To quash and set-aside office communication dated 28.11.2024 (Annexure P-IX) issued by respondent No.3,

¹ Whether reporters of the local papers may be allowed to see the judgment?

being arbitrary and illegal.

ii) To direct the respondents to shift the classes of course of the petitioners and other courses from makeshift arrangement at Mahadev Complex to Campus of Respondent No.5 at MLSM College, Sundernagar.”

3. The petitioners, in terms of the averments made in the writ petition are students of Sardar Patel University. Petitioner No.1 is stated to be a Research Scholar in Ph.D Computer Science, petitioner No.2 is stated to be a student of Post Graduate Degree Course of M.C.A. (Department of Computer Science) and petitioner No.3 is stated to be a student of Masters in Arts (Public Administration) Second Semester.

4. As per the petitioners, the State Higher Education Council made a proposal to the Ministry of Human Resource Development, Government of India, for the creation of an University by conversion of Colleges in a Cluster. Pursuant to the approval granted by the Ministry of Human Resources Development, a Memorandum of Understanding was signed between different stakeholders, i.e. the State Higher Education Council, Rashtriya Uchchatar Shiksha Abhiyan, Department of Higher Education, Government of Himachal Pradesh on the first part and Maharaja Laksham Sen Memorial Trust on the second part and Maharaja Laksham Sen Memorial College (hereinafter to be referred as “MLSM

College”), Sundar Nagar on the third part. The Memorandum of Understanding was entered into, to develop infrastructure facilities, academic and educational cooperation.

5. To cut the controversy short, as per learned counsel for the petitioners, it was in lieu of all this that the petitioners took admission in Sardar Patel University.

6. Their grievance is that in terms of Annexure P-14 (wrongly mentioned as Annexure P-9 in the prayer clause), the Director of Higher Education and SPG RUSA, Himachal Pradesh had written to the Registrar, Sardar Patel University on 28.11.2024, on the subject, handing over the building constructed under RUSA Grant, at MLSM College, Sundernagar, which reads as under:-

“On the subject cited above, it is intimated that the matter regarding handing over of the newly constructed building in the campus of MLSM College was discussed in a meeting held in the Directorate of Higher Education on dated 05. 10.2024. The same was also discussed in detail at Government level. More over as of now the status of university has also changed from Cluster University to full-fledged State University. The building already stands completed in the year 2020 in the campus of MLSM College and till date has not been put to use for which it was constructed. Further to settle the issue, it has been decided to hand over the building to MLSM College in the best interest of the students of the College

and the area. This has the prior approval of the Government of Himachal Pradesh.

So, it is requested to hand over the building to MLSM College immediately so that best use of the building is ensured.”

The petitioners have prayed for quashing of the same.

7. Learned counsel for the petitioners submitted that the petitioners took admission in the University concerned as they legitimately expected that in terms of the agreement that was entered into between the stake holders which stands referred to hereinabove, a Cluster University, as envisaged in the Memorandum, would come up and now in terms of the impugned order, a building which was constructed in furtherance of the said purpose, has been handed over to the MLSM College, which gravely prejudices the petitioners, who are residents of Sunder Nagar, who now would have to go far off places for the completion of their education, which are not convenient to them.

8. On the other hand, learned Additional Advocate General as well as learned counsel for the respective respondents have stated that the petitioners have no locus to file and maintain the present petition because the Policy Decision with regard to creation of the Cluster Complex is a complete issue which is decided by all the stake holders taking into consideration holistically the entire gamit of the

matter, i.e. where the infrastructure can be best created and which places are best for the purpose of coming up of the infrastructure, so that quality education can be imparted to the students and an international quality educational hub can be created in the region.

9. Ms. Archana Dutt, learned counsel, appearing for the Sardar Patel University has drawn the attention of the Court to Annexure P-17, which are the Minutes of the 4th Meeting of the Executive Council of Sardar Patel University, held on 13.06.2025 and has submitted that the Executive Council of the University has approved the decision of the Government to hand over RUSA building at Sunder Nagar to MLSM College, Sunder Nagar and the same otherwise does not hamper the formation of the Cluster University because the same is being taken care of as is evident from the Minutes of the Meeting of the Executive Council itself.

10. Having heard learned counsel for the petitioners as well as the learned counsel for the represented respondents and having carefully gone through the petition as well as the documents appended therewith, this Court is of the considered view that **this writ petition is not maintainable.**

11. In fact, the petitioners, who are the students of Sardar Patel University, have no locus to assail the decision of the respondents with regard to creation of the Cluster University. Simply

because it is not convenient for the petitioners who are residents of Sunder Nagar to continue their studies at a station which may be slightly distant from Sunder Nagar, does not mean that the entire exercise being undertaken by the respondents for the creation of the Cluster University or the act of the respondents of handing over RUSA building to MLSM College, Sunder Nagar is bad. In fact, the petitioners have challenged communication dated 28.11.2024, which is just to the effect that Sardar Patel University has been called upon by Director, Higher Education, to hand over the building which was constructed and completed in the year 2020 in the campus of MLSM College under RUSA to MLSM College in the interest of the students of the College and area and this was done with the prior approval of the Government of Himachal Pradesh. Now, incidently, the prior approval of the Government of Himachal Pradesh which has led to the issuance of said communication has not been assailed by the petitioners. Similarly, in terms of the Minutes of the 4th Meeting of the Executive Council of Sardar Patel University, held on 13.06.2025, this decision of the Government was approved by the Executive Council. The decision so taken by the Executive Council of the University has also not been assailed by the petitioners, for reasons best known to them. Not only this, in these Minutes itself, under Item No.4.4, cogent reasons stand spelled out for the handing over of

this RUSA building to MLSM College, which item is being quoted hereinbelow for ready reference:-

“Item TO HAND OVER THE RUSA FUNDED BUILDING AT SUNDERNAGAR No. 44 TO MLSM COLLEGE

This matter had been under active consideration of the Government for quite some time. The Government has conveyed its decision that the building constructed through RUSA funds at Sundernagar be handed over to MLSM College vide various communications as detailed below:-

- (i) Letter No. EDN-HE(28)A(1)-14/2024-RUSA(Vol-VI) dated 28 November 2024 (Annexure 4.4A, Page 41)
- (ii) Letter No. EDN-HE(28)A(1)-14/2024-RUSA(Vol-VI) dated 06 December 2024 (Annexure 4.4B, Page 42)
- (iii) Letter No. EDN HE(28)A(1)-14/2024 RUSA(Vol VI) dated 05th March 2025 (Annexure 4.4C, Page 43)
- (iv) Letter No. EDN-A-Ka(1)-33/20222-MLSM dated 13th March 2025 (Annexure 4.4D, Page 44)
- (v) Letter No. EDN HE(28)A(1)-14/2024 RUSA(Vol-VI) dated 21st April 2025 (Annexure 4.4E, Page 45)

Following meetings were also organized in connection with transfer of Building to MLSM College, Sundernagar.

- (i) Meeting held on 09/04/2025 under the chairmanship of Secretary to Hon'ble Governor at Raj-Bhawan Shimla and minutes circulated vide letter No. 50-6/2022-G.S. dated 11th April 2025 (Annexure 4.4F, pages 46-48).
- (ii) Proceedings of the meeting with Director Higher Education with regard to inspection of the buildings in the premises of Sardar Patel University, Mandi ie MLSM College Sundernagar, Vallabh Government College Mandi, Government College Bassa (Gohar) and Government College Drang at Narla, District Mandi on 25th April 2025 and 26th April 2025 (Annexure 4.4G, pages 49-50).

However, the building can be handed over to MLSM College only when alternate arrangement is made for keeping the sensitive examination material at some safe and secure place by the Government. As per minutes of the meeting held on 09/04/2025 under the chairmanship of Secretary to Hon'ble Governor at Raj Bhawan Shimla and circulated vide

letter No 50-6/2022-GS. dated 11 April 2025, it was decided that once the RUSA funded buildings constructed at Govt College Bassa (Gohat) and Govt College Drang at Narla are handed over to the University, the RUSA funded building constructed at Sundernagar would be vacated and handed over to MLSM College by the University within one month of taking the possession of the buildings at Bassa (Gohar) and Drang at Narla. It is pertinent to mention that now the buildings at Govt College Bassa (Gohar) and Govt College Drang at Natla have been handed over to Sardar Patel University, Mandi on 01-05-2025 and 08-05-2025

respectively. Document pertaining to Handing over and Taking over of the building at Govt College Bassa (Gohar) is enclosed herewith as Annexure 4.4H, pages 51-52. Document pertaining to Handing over and Taking over of the building at Govt College Drang at Narla is enclosed herewith as Annexure 4.41, page 53 for the information of all the members.

In compliance to the decision taken in the aforesaid meeting dated 09/04/2025, it is proposed to hand over the RUSA funded building at Sundernagar to the MLSM College.

The item is placed before the Executive Council for consideration and approval please.

Decision: The Executive Council approved the decision of Govt to Hand over RUSA Building at Sunder Nagar to MLSM college Sunder Nagar.”

A perusal thereof demonstrates that the communication so issued by the Director was discussed by the Executive Council of the University and in terms of what is mentioned in the Minutes, the Executive Council approved the decision of the Government to hand over the RUSA building at Sunder Nagar to MLSM College, Sunder Nagar.

12. With regard to creation of infrastructure of the Cluster University, the Executive Council in its Meeting has dealt with this matter in detail as to where the infrastructure is to come up and this Court again reiterates that where the infrastructure of the Cluster University is to come up is the domain of the respondents and it is not for the petitioners to dictate the respondents as to where they should come up with their infrastructure. It could not be established by the petitioners that the decision of the Executive Council was either arbitrary or motivated in terms of Annexure P-17. Buildings of

Government College Basa (Gohar), Drang at Narla, have been handed over to the Sardar Patel University. Therefore, it is evident that the respondents are taking care as to how to create the infrastructure of the Cluster University in and around Mandi. Neither Basa nor Drang/Narla are far away from Mandi.

13. Therefore, as this Court does not find any merit in the present petition, the same is dismissed in limine. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

July 10, 2025
(Rishi)