

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14648 of 2017 (O&M)

Date of Decision: 12.07.2017

Bhagat Singh & Anr.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Dr. SK Redhu, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners claim themselves belonging to Economically Backward Class amongst General category of Haryana. Their grievance in the instant writ petition is that though the State Government has provided 10% vertical reservation to Economically Backward Class persons belonging to General category in admission in Government/Government-aided educational institutes/professional institutes etc., the respondent-Lala Lajpat Rai University of Veterinary and Animal Sciences, Hisar in its Prospectus 2017-18 has not extended the benefit of such reservation. The petitioners thus seek a direction to the University to provide reservation to Economically Backward Class candidates of General category and consequently, consider them for admission to two-years' Diploma Course in (i) Veterinary and Livestock Development; and (ii) Veterinary Laboratory Technology.

(2) We have heard learned counsel for the petitioners at a considerable length.

(3) Counsel for the petitioners submits that though the notification granting the above-mentioned reservation is under challenge before this Court but no *at interim* stay has been granted rather this Court has clarified on 18.09.2015 that *ad interim* stay was consciously declined. Thereafter, a Division Bench on 08.09.2016 has observed that admissions made pursuant to the impugned reservations will be subject to final outcome of the writ petition. It is thus contended that reservation policy is operative and the respondents-University ought to have given effect to it.

(4) Having pondered over the submissions, we are not inclined to interfere in the matter for more than one reason. Firstly, the Prospectus was issued somewhere in the first week of June, 2017. The action of the University in not providing reservation to the Economically Backward Class candidates in General category ought to have been challenged at the earliest so that in the event of acceptance of such claim, all other similarly-placed candidates could also avail the benefit of reservation. At this belated juncture when counselling is to commence tomorrow, the writ petition cannot be entertained.

(5) Secondly, if the University has refused to implement the reservation notified by the State Government, it is for the latter to intervene in the matter and take remedial action. Thirdly, a writ court cannot direct the University to introduce reservation for a class or category of persons as it would amount to usurping the powers of the policy-makers who are responsible for finalising the Prospectus for the year 2017-18. Fourthly, any direction at this stage in favour of the petitioners is likely to prejudice such Economically Backward Class candidates who might be higher in merit than

the petitioners. This Court cannot grant any preferential treatment to the petitioners only because they have chosen to approach the Court.

(6) For the foregoing reasons, we do not find any merit in this writ petition and the same is accordingly dismissed.

(Surya Kant)
Judge

12.07.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No