

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.26004 of 2017.

Date of Decision: December 05, 2017

Mansi Vaidya

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Pranav Chadha, Advocate, for the petitioner.
Mr.J.S.Bhandohal, Advocate, for respondent No.2.

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Surya Kant, J. (Oral)

The petitioner has approached this Court seeking a direction to Guru Ravi Dass Ayurvedic University, Hoshiarpur-respondent No.2 to provide reservation for a 'Single Girl Child' in terms of the Punjab Government Policy dated 02.07.2013 (P-3). The said Policy has been issued by the Government of Punjab, Department of Technical Education & Industrial Training on the subject of 'reservation of seats for various categories of candidates for admission to the degree-level courses in Engineering and Technology in various Colleges including MBA, MCA and B.Pharmacy etc.' Clause (x) of the policy circular says as follows:-

“..... The percentage of reservation for each of the categories shall be as under:-

xx

xx

xx

xx

..... (x). Sibling (single) Girl Child or one of the Girl of parents having two or more girls and having no male child (An affidavit on a stamp paper worth Rs.20/- duly

attested by 1st Class Magistrate to obtained from the parents of the girl child) - 1%.....”

[2] The petitioner is an aspirant for admission to B.A.M.S. Degree Course for which she appeared in the Punjab Ayush Entrance Test held on 03.09.2017. She competed in the General Category but having failed to get admission as per her merit in PAET-2017, she made a representation to the University to extend the benefit of reservation for 'Single Girl Child' in terms of the Punjab Government Policy dated 02.07.2013, the relevant clause whereof has been reproduced above. As her request was not acceded to, the instant writ petition has been filed.

[3] Learned counsel for the respondent-University relies upon para-4 of the above-stated Punjab Government Policy dated 02.07.2013, which reads as follows:-

“.....4. Nothing in the aforesaid policy shall apply to the courses run by the three universities in the State other than Punjab Technical University, Jalandhar in respect of the courses offered by them in their campuses or their regional centres. Admission to these courses shall be governed by the reservation policy framed by the respective University.....”

(emphasis applied)

[4] It may be seen that in terms of its para-4, that the Policy itself is inapplicable in respect of courses run by three Universities in the State except Punjab Technical University, Jalandhar. The policy dated 02.07.2013 thus is not binding on the respondent-University. That being so, no mandamus can be issued to direct the respondent-University to

implement the Policy when the University has already been exempted from the effect thereof.

[5] Otherwise also, the petitioner's claim at this stage cannot be entertained, for in the event of providing reservation, all the eligible candidates are to compete as per their merit in the PAET. Consequently, we do not find any merit in this writ petition which is accordingly dismissed.

[SURYA KANT]
JUDGE

December 05, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No