

CWP NO.19305 OF 2018(O&M)

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Sr.No.201

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.19305 OF 2018(O&M)

Date of Decision: 10.08.2018

Eshita Bedi

.....Petitioner

versus

Panjab University and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present Mr.Angadpreet Singh and Mr. Mahir Sood, Advocates
for the petitioner.
Mr.Saurabh Gulia, Advocate for respondent no.2.

MAHESH GROVER, J (ORAL)

The petitioner has filed the instant petition questioning the rider appended to rule 3(b)(1) on the ground of it being violative of Article 14 of the Constitution of India being discriminatory in character.

For the purposes of reference, the relevant clause is extracted here below:-

“Reservation of seats

(a) xxxxx

(b) (i) *Two Additional Seats for (i) One Girl Child out of the only Two Girl Children per unit per course subject to maximum limit of four*

(ii) *One Additional seat for Cancer Patients*

(iii) *AIDS Patients*

(iv) *Thalassemia Patients*

The above concession by way of additional seats is not applicable to the students falling under regulatory agencies such as MCI, DCI, BCI and NCTE.”

What is offensive to the petitioner is the rider appended to the afore extracted clause pertaining to reservation of seats which states that the benefit of a single girl child or a girl child out of two female children is not admissible to those courses which are regulated by the MCI, BCI, DCI and NCTE. This, in brief, is the controversy where the petitioner contends that a preference is available to other courses but not to the ones which are under the regulatory control of the afore noticed professional bodies.

We had issued notice of motion and have had the benefit of the stand of the university which has tried to justify its stand with reference to the clause as it exists but they are unable to offer any justification about the benefit not being available to such courses regulated by the bodies mentioned. Rather what has been produced before us is a result of the meeting of the committee held on 09.08.2018 which we propose to extract here below:-

“Agenda: Civil Writ Petition of Ms. Eshita Bedi for admission under Single Girl Child.

Resolved *It was unanimously resolved that centralised admissions are conducted by UILS, Panjab University, Chandigarh. There is neither any seat for the said category nor it has been advertised in the handbook of information. So no case under said category can be considered.”*

On appraisal of the issue raised before us and after giving a thoughtful consideration to them, we are of the opinion that the stand of the University cannot withstand legal scrutiny.

The purpose of incorporating such a clause of giving preference to a girl child is not far to seek and neither difficult to understand. The

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laudable object as it manifests itself is to encourage the girl children besides weaning away people from their obsessiveness of having a male child. It is for this reason that a single girl child as also one from amongst the two girl children have been singled out for preference. The handbook of information as produced before us by the learned counsel representing university goes on to say categorically that where two girl children are involved, the preference will be admissible to one of them only if there is no male child.

This being the character of preference, it ought to be liberally applied across the Board and denial of this benefit to courses that are regulated by the bodies such as MCI, BCI, DCI and NCTE offer no plausible justification particularly when it has not been shown to us that these bodies have debarred the universities from giving such a preference.

No argument has been advanced to justify such a stand of the university.

We are thus, of the opinion that the clause as it exists, creates an artificial discrimination which has the effect on cutting into the very object sought to be achieved by the preferential clause for girl children.

Finding the clause sans any justification and discriminatory, we would have no hesitation to read it down to mean that the preference shall be available to single girl child as also one amongst from the two girl children in a family across the Board in all courses regardless of whether they are regulated by MCI, BCI, DCI and NCTE particularly when the preferential clause is a benevolent and in consonance with the principle of director principles as also the avowed policy of the State.

The petitioner's claim be considered and if otherwise eligible,

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she be granted admission her being in merit.

Disposed of.

(MAHESH GROVER)
JUDGE

10.08.2018
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No