

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2969 of 2019

Kabeer Kalwani S/o - Rajesh Kalwani Aged About 19 Years R/o -
City Combine, 18 Medical Complex, Behind Hotel Ajeet, Telipara,
Bilaspur

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Higher Education, Mahanadi Bhawan , Naya Raipur District Raipur Chhattisgarh
2. Commissioner, Directorate Of Higher Education, Block-C-3, Second And Third Floor, Indrawati Bhawan, Raipur Chhattisgarh
3. Director, Directorate Of Higher Education, Block-C-3, Second And Third Floor, Indrawati Bhawan, Raipur Chhattisgarh
4. Hidayatullah National Law University, Through Registrar, Atal Nagar Raipur

--- Respondents

For petitioner- Shri Saurabh Dangi, Advocate.
For State -Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/08/2019

Heard.

1. Only prayer in this petition is that the petitioner who is aspiring to get admission to the Hidayatullah National Law University has applied for the seat reserved under freedom fighter under the freedom fighter quota. However, the same has not been acceded to only on the ground that circular of 24/05/2019 issued by the State Higher Education Department at clause 12.3 it is shown that benefit is only allowed to be given to the son and daughter of the freedom fighter to the extent of 3%.
2. It is contended that another circular exist in this regard dated 6th November, 92 (Annexure P-7) which was existing in the erstwhile State of MP wherein this part was made clear that apart from the son and daughter the benefit was extended to the grand son and grand daughter of the freedom fighter. It is further contended that the Higher Education

Department has forwarded the letter dated 22/08/2019 to the Secretary State Higher Education Department to include name of the grand son and grand daughter of the freedom fighters and the prayer in this instant petition is that the said proposal so forwarded may be added to the definition of beneficiaries so that the petitioner may get admission as seats are vacant as on date.

3. Perused the documents filed along with the petition. As per circular dated 24/05/2019 only extension has been granted to son and daughter of the freedom fighter. It is obvious as on date son and daughter of the freedom fighter would be more than 50 years and thereby the benefit of privilege would be redundant. It appears that by letter dated 22/08/2019 (Annexure P-8) already communication has been made by the Higher Education Department to the Secretary, Higher Education Department to include the name of the grand son and grand daughter of freedom fighter in the policy to grant benefit to them at clause 12.3, which earlier only prescribes benefit to be granted to the son and daughter of the freedom fighter.

4. In the circumstances, it is directed that the State may take a decision on such letter dated 22/08/2019 (Annexure P-8) within a further period of 30 days as it touches upon admission of student in a particular stream. Till then it is directed that a seat reserved for freedom fighter if not filled as on date shall not be filled from general category.

5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE