

201-2

(PROCEEDINGS THROUGH V.C.)

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.15388 of 2020

Date of Decision: 12.02.2021

**Mata Gurdev Kaur Memorial (MGKM) Shahi Sports College of
Physical Education**

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. R.D. Anand, Advocate
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Ashish Rawal, Advocate with
Mr. Aman Kashyap, Advocate
for respondent No.3.

AUGUSTINE GEORGE MASIH J. (ORAL)

Learned counsel for the petitioner submits that the students of the petitioner-college are from different parts of the country, who do not have the mother tongue as Punjabi nor do they have the qualification of matriculation in Punjabi. The action of the respondents by making it mandatory that the candidates should have passed matriculation examination with Punjabi as a subject, is totally illegal and in violation of Article 14 of the Constitution of India. He further contends that the State may prescribe such a qualification for appointment but for the purpose of education, this should not be the basis for giving admission to the candidates, as every student has a right of education.

The petitioner would make the detailed representation highlighting the aspect as has been pointed out by learned counsel for the petitioner and on the ground, which has been taken in the writ petition, to respondent no.2-the Director, State Council of Educational Research and Training (SCERT), Punjab within a period of two weeks from today, which may be considered by the said respondent and decided at an early date.

Keeping in view the submissions made by learned counsel for the petitioner, the present writ petition is disposed of with liberty to the petitioner to make a representation to respondent no.2- the Director, State Council of Educational Research and Training (SCERT), Punjab within a period of two weeks. If such a representation is made by the petitioner within the stipulated period, the same shall be considered and decided by the Director of the State Council of Educational Research and Training (SCERT), Punjab-respondent No.2 within a further period of four weeks by passing a speaking order. Decision, so taken, be conveyed to the petitioner forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 12, 2021

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No