

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

CWP-20857-2020 (O&M)
Date of decision:- 04.12.2020

Mehakpreet Kaur

...Petitioner (s)

Versus

Panjab University, Chandigarh and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Simranjit Singh, Advocate,
for the petitioner.

Mr. Indresh Goyal, Advocate,
for respondent No. 1.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab,
for respondents No. 2 and 3.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner praying for admission in the B Pharma course conducted by respondent No. 1 - University under 2% reservation provided for sons/daughters/husband/wife/brothers/sisters of persons killed/incapacitated in November, 1984 riots.

Learned counsel for the petitioner submits that the petitioner is a riot affected person, whereas the prospectus of respondent No. 1 – University provides for giving 2% reservation only to those who were either killed or incapacitated in the 1984 riots. He further submits that the said criteria of killed/incapacitated in the riots prescribed in the prospectus is contrary and opposed to public policy as any person affected by the 1984 riots is entitled to be granted admission under the prescribed quota. On the basis of the said submission, learned counsel for the petitioner has prayed for quashing and deleting the words

respondents No. 2 and 3 to issue a certificate of 1984 Riot Affected Victim category as per the University specimen/proforma. The petitioner has also prayed for prohibiting the respondents from converting the seats reserved for riot affected victims into the general/open category and to direct the respondents to grant the petitioner admission against the said quota.

Learned counsel appearing for respondent No. 1 – University as well as for respondents No. 2 and 3 – State of Punjab on advance copy submit that a bare perusal of the relevant clause of the prospectus makes it clear that 2% reservation is provided for sons/daughters/husband/wife/brothers/sisters of persons killed/incapacitated in November, 1984 riots. It is further submitted that the petitioner is the grand-daughter of one Mr. Bhupinder Pal Singh in whose favour the certificate dated 05.10.2020 (Annexure P-5) has been issued by the Deputy Commissioner, SAS Nagar, Mohali. It is further submitted that the petitioner being the grand-daughter is not entitled to claim any benefit under the said clause of the prospectus. It is further submitted that no member of the petitioner's family was either killed or incapacitated in the 1984 riots and, therefore, even otherwise, the benefit sought and claimed by the petitioner cannot be granted.

Having heard learned counsel for the parties, it is observed that the relevant clause of the prospectus reads as under:-

“(2) XXXXXXXXXXXXXXXXXXXXXXXX

(vii) 2% for sons/daughters/husband/wife/brothers/ sisters of persons killed/incapacitated in November, 1984 riots and of persons killed/incapacitated in terrorist violence in Punjab and Chandigarh. A certificate from the District Magistrate to this effect must be submitted by the candidate. Migrant Card alone is not enough.”

From a bare perusal of the same, it is evident that the petitioner, who is the grand-daughter of Mr. Bhupinder Pal Singh as per

the certificate dated 05.10.2020 (Annexure P-5), is not entitled to claim

benefit under the said category, nor is the petitioner entitled to the benefit of reservation under that category as no member of her family or for that matter her grand-father was either killed or incapacitated in the 1984 riots.

Apart from making a bald assertion that the clause is opposed to public policy, no averment or assertion has been made as to how and on what ground the said clause using the words killed/incapacitated violates any of the petitioner’s fundamental rights and is, therefore, required to be declared unconstitutional. In the absence of any specific assertion or ground raised in this regard by the petitioner, the contention of the petitioner to the contrary stands rejected.

The petition filed by the petitioner being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.12.2020
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No