

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

CWP-206-2021 (O&M)
Date of decision:- 07.01.2021

Hardambir Singh

...Petitioner (s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Jimmy Singla, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab,
for respondent No. 1.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Shobit Phutela, Advocate,
for respondent No. 4 - UOI.

(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)

The petitioner has filed this petition claiming benefit of admission in the five years integrated course of B.A./B.com. LLB-2020 under 2% quota reserved by respondent No. 2 - university for sons/daughters/husband/wife/brothers/sisters of persons killed/incapacitated in November, 1984 riots.

Learned counsel for the petitioner submits that he has been denied admission by the respondent No. 2 – university on the ground that he is the grand-son of the riot affected person. He submits that the benefit should be extended to all the family members of the person(s) affected by the 1984 riots including grand-children and, therefore, a direction be issued to the respondent No. 2 – university to grant admission to the petitioner.

Having heard learned counsel for the petitioner, it is observed that the relevant clause under which the petitioner is claiming benefit reads as under:-

“(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 2% reservation provided therein is available only in case of sons/daughters/husband/wife/brothers/sisters of the persons killed/incapacitated in November, 1984 riots. A perusal of the certificate dated 31.07.2020 (Annexure P-2) in respect of the petitioner’s grand-mother indicates that his grand-mother was only a sikh riot affected person and, thus, it was not a case where a person was killed or incapacitated. Apart from the above, the clause also restricts the benefit to sons/daughters/husband/wife/brothers/sisters of the persons killed/incapacitated in November, 1984 riots, whereas the petitioner purports to be the grand-son of Smt. Surinder Kaur.

Admittedly, the petitioner does not fall within any of these categories. It is pertinent to note that in identical petition i.e. CWP-20857-2020 titled as *Mehakpreet Kaur Vs Panjab University, Chandigarh and others*, apart from claim for admission, the petitioner had also challenged the constitutional validity of the clause of the university. This Court after interpreting the clause had dismissed the petition on similar grounds by an order dated 04.12.2020.

In the circumstances, we find no merit in the petition filed by the petitioner, which is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.01.2021
Amodh

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