

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

CWP-14819-2016

Date of decision : 11.05.2022

Mahip Singh Uppal

.....Petitioner

Versus

Panjab University, Chandigarh and others

....Respondents

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

Present: Mr. Vivek Sharma Vashisht, Advocate,
for the petitioner.

Mr. Avinit Avasthi, Asst. Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by the petitioner claiming admission against 2% seats reserved 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.

The petitioner professes to be grandson of a person, whose property was burnt in 1984 riots. He, on the strength of certain documents, prays that being the grandchildren of a riot affected person, he be granted admission under 2% quota prescribed in the broucher notified by the Panjab University.

We have heard learned counsel for the parties.

From a perusal of the clause providing 2% reservation 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, it is evident that grandchildren are not included therein. Concededly, petitioner is the grandson of an alleged riot victim. Thus, he does not fall in the said category. It is also evident that the reservation of 2% is restricted only to the sons/daughters/husband/wife/brothers/ sisters of the persons who were “killed/incapacitated in November, 1984 riots”. Whereas, this is not the case of the petitioner that any member of his family was killed or incapacitated in 1984 riots, but only that the house which belonged to his grandfather was burnt down. In these circumstances, we are of the considered opinion that the benefit, as claimed for by the petitioner, cannot be granted. This is the *ratio decidendi* of this decision by this Court and may be cited as such in the future.

It is, however, noted that this Court, vide interim order dated 19.08.2016, had directed the respondents to grant provisional admission to the petitioner against the seats reserved for riot victims, pursuant to which he was granted admission in the University Institute of Engineering & Technology, P.U., Chandigarh, for the Bachelor of Engineering (Information Technology) course. He has completed the course in May, 2020 and has also been awarded a Bachelor of Engineering (Information Technology) degree.

Therefore, in the special circumstances of the present case, the course undertaken and completed by the petitioner pursuant to an interim order passed by this Court is approved, making the interim order dated 19.08.2016 absolute. It is, however, made clear that this Court has

not, in any manner, held that the petitioner was or is entitled to be granted admission under the reserved quota of 2% for sons/daughters/husband/wife/brothers/sisters of persons killed/incapacitated in November, 1984 riots. However, this order approving the course completed by the petitioner, pursuant to an interim order passed by this Court, shall not be treated/quoted/cited as a precedent in this Court or before any Forum.

The petition stands disposed of accordingly.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 11, 2022
ndj

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