

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101 RA-CW-345-2024 in
CWP-14572-2024
Reserved on: 30.08.2024
Pronounced on: 05.09.2024

Vyom Yadav ...Petitioner

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR.JUSTICE VIKAS SURI

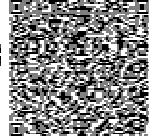
Present: Petitioner in person
with his natural guardian/father Mr. Viney Yadav.

Mr. Sumeet Jain, Advocate and
Ms. Sukhmani Patwalia, Advocate,
for respondent-UT Chandigarh.

Ms. Gehna Vaishnavi, Advocate,
for respondent No.4.

VIKAS SURI, J.

1. This review application under Section 114 read with Section 151 CPC has been filed by the writ petitioner seeking review of order dated 14.08.2024, whereby two writ petitions were disposed of by common order.
2. Review has been sought only in one writ petition, whereby challenge to the Joint Admission Committee-2024 Information Brochure (Annexure P-9) stands declined.



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3. Petitioner with his natural guardian/father Mr. Viney Yadav while making reference to provisions of the Constitution of India, assert that the said provisions are mandatory and after the 102nd Constitutional Amendment, socially and educationally backward classes had to be included in reservation. The provisions of the Constitution referred to, are reproduced hereunder for ready reference:-

Constitution of India

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—(1) xx

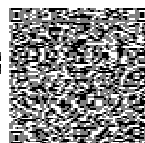
(2) xx

(3) xx

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

(5) xx

342A. Socially and educationally backward classes. —(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.



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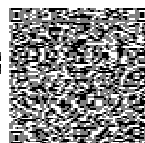
(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Explanation.—For the purposes of clauses (1) and (2), the expression “Central List” means the list of socially and educationally backward classes prepared and maintained by and for the Central Government.

(3) Notwithstanding any contained in clauses (1) and (2), every State or Union territory may, by law, prepare and maintain, for its own purposes, a list of socially and educationally backward classes, entries in which may be different from the Central List.

4. It has been argued that in view of above noticed provisions, it is mandatory to provide reservation for OBC category and not having so provided in the Union Territory of Chandigarh, the petitioner is still being deprived of status of Socially and Educationally Backward Class (SCBC) despite the constitution amendment. Thus, the Information Brochure impugned in the writ petition ought to have been quashed to the extent of non-providing reservation to SEBC/OBC.

5. A perusal of the judgment dated 14.08.2024 shows that the prayer made in the present writ petition has been duly noticed and a finding has been given following the ratio in *The State of Punjab vs.*



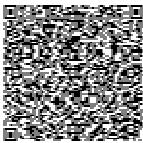
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Anshika Goyal and others, (2022) 3 SCC 633 and *Gulshan Prakash (Dr.) and others vs. State of Haryana and others, (2010) 1 SCC 477*. It is noteworthy that the constitutional provisions noticed above are only enabling provisions. It has been laid down by the Apex Court that Article 15(4) does not make any mandatory provision for reservation and the power to make reservation under said Article is discretionary and no writ can be issued to effect reservation. It was, thus, held that the Court cannot interfere in the policy making sphere of the government and instruct it to provide reservations.

6. It is well settled that the scope of review petition is very limited and under the guise of review, the petitioner cannot be permitted to reargue and agitate the matter again, which already stands decided on merits. In *Perry Kansagra vs. Smriti Madan Kansagra, (2019) 20 SCC 753*, the Hon'ble Supreme Court laid down that review Court cannot sit in appeal over its own order. A rehearing of the matter is impermissible in law. Review is not an appeal in disguise and the power of review can be exercised for correction of a mistake but not to substitute a view. The scope of review petition is well settled which needs no further elaboration.

7. During the hearing, on the asking of the Court as to which prayer in the writ petition has not been decided, none has been referred to nor any error apparent on the face of the record has been pointed out.



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8. In view of the above, finding no merit in the present review petition, the same is dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(VIKAS SURI)
JUDGE

September 05, 2024
sumit.k

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No