



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.1

RA-CW-431-2023 in
CWP-16520-2023
Date of decision: 24.05.2024

Vyom Yadav

.....Applicant/Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE NIDHI GUPTA

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

Ms. Sukhmani Patwalia, Advocate
for respondents No.2 and 4.

Ms. Gehna Vaishnavi, Advocate
for respondents No.3 and 5. (through VC)

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DEEPAK SIBAL, J. (Oral)

1. Through his writ petition, the applicant-petitioner had sought
the following reliefs:-

- “i) quashing the Annexure P-14 & P-15 dated
25.07.2023 issued by the respondents No.3
and 5 as not consider the representation and
non-providing the 27% reservation to the
Socially & Educationally Backward classes
i.e. OBC category.
- ii) order of direction in the nature of
Mandamus calling upon the respondents
particularly respondents No.2 and 5 for



strictly implementing and carrying out the Statutory Mandate of the provisions of the Central Educational Institutions (Reservations in Admission) Act, 2006 annexed as Annexure P-10 and with the Article 342 A applicable to the respondents No.2 & 5 for granting due reservation to the Socially and Educationally Backward Classes i.e. OBC category candidates like the petitioner, as the respondents No.2 and 5 are a Central Funded Institution and in view of provisions of Article 342A of the Constitution of India, as well as the provisions of 2006 Act, the respondent No.2 is bound to honour the same and to implement the requisite reservation for the Socially and Educationally Backward Classes/OBC candidates like the petitioner in the ongoing admission session 2023. As the Supreme Court of India passed the judgment in Neil Aurelio Nunes and other vs. Union of India and others with the writ petition(C) No.967 of 2021 vis a vis regulated in the consonance of the one hundred and second amendment w.e.f. 15.08.2018 insertion with Article 342A for the element of reservation 27% admission to in all educational institution annexed as Annexure P-9.

iii) It is still further prayed that during the pendency of the present writ petition, the respondents be directed to hold provisional counselling and or permitting the petitioner



to participate in the provisional counselling by directing the respondents to hold special counselling for the Socially and Educationally Backward Classes i.e. OBC seats in terms of 2006 Act and applicable Article 342A, in the overall interest of justice and equity. It is still further prayed that in the overall interest of justice any such or similar further interim directions or other directions as deemed fit and proper may kindly be issued.”

2. A perusal of the afore-quoted prayers reveal that through his writ petition the applicant-petitioner had sought issuance of directions to the respondents to provide for 27% reservation for the Other Backward Classes at the time of making admissions to the Engineering courses.

3. Through the following order dated 13.12.2023, a Coordinate Bench dismissed the applicant-petitioner's writ petition:-

“Counsel for the respondent has produced letter dated 12.12.2023 issued by the University Institute of Engineering & Technology, Panjab University, Chandigarh. As per this letter, the OBC quota has not been adopted by the Panjab University as well as U.T. Chandigarh for admission although the applicants who applied for admission with OBC category are treated as General Category candidate.

As per cut off rank of petitioner 47000, he had been allotted a seat in BE (Civil Engineering) Course at CCET, Sector-26, Chandigarh and he has accepted the seat under General Category and



is still pursuing the course of BE (Civil Engineering) as on date. The vacancies which became available after the last round of counselling have to be filled through PUMEET examination which has started by PU in the year 2019 wherein the students from within Panjab University as well as other Institutes can appear to compete for the vacant seats. No seat in first year can be filled up without undergoing exam.

Counsel for the respondent has further referred to the certificate issued by the Chandigarh Administration Annexure P-3 dated 03.05.2023. As per this certificate, the same has been issued by the Sub Divisional Magistrate (S), U.T., Chandigarh on the basis of verification made by the Tehsildar (Revenue), U.T. Chandigarh on the basis of OBC certificate earlier issued on 17.09.2019. The petitioner being an OBC candidate has been treated as OBC and he has to be treated as General Category. As reflected in letter dated 12.12.2023, the petitioner is pursuing his Civil Engineering at CCET, Sector-26, Chandigarh and for the vacant 65 seats, he can participate in the examination which will be taken up after one year in May, 2024. Copy of this letter has been handed over to counsel for the petitioner.

Dismissed.”

4. As per the afore-quoted order the applicant-petitioner's writ petition was dismissed after noting certain facts which according to the Coordinate Bench were enough not to grant any relief to the applicant-petitioner.

5. Through the instant review application, the primary grievance of the applicant-petitioner is that through the order dated 13.12.2023 his writ petition has been dismissed but without expressing any opinion on the main prayer made and the issue raised by him.

6. We find merit in the afore submission as after going through the order dated 13.12.2023, we also find that while dismissing the applicant-petitioner's writ petition the primary issue raised by him has not been dealt with. Accordingly, after recalling the order dated 13.12.2023, we direct the listing of the main petition before an appropriate Bench as per roster.

7. Disposed of.

(DEEPAK SIBAL)
JUDGE

(NIDHI GUPTA)
JUDGE

May 24, 2024
Jyoti 1

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