

the 103rd Constitutional Amendment Act, 2019 the 10% reservation for EWS ought to be given effect to, by the respondent-University, and the failure of the respondent-University to do so would require this Court to issue a writ of mandamus for implementing the provision relating to reservation for EWS.

4. Cognizance was taken in the writ petition and reply has been invited from the respondents.

5. The State of Punjab has filed its reply in which it is stated that the amendment introduced by 103rd Constitutional Amendment Act, 2019 merely enables the State to make provision for reservation for EWS. The State of Punjab has taken a conscious decision not to implement reservation for EWS in the educational institutions. Further stand of the respondent-State is that no mandamus can be issued for such purposes inasmuch as the decision of the State, not to implement the provision for EWS reservation, remains in the realm of policy of the State which cannot be interfered with in the facts of this case. Reliance is placed upon a Division Bench judgment of this Court in ***Vyom Yadav v. Union of India and others, CWP-16520-2023***. The judgment in ***Vyom Yadav (supra)*** has been followed in subsequent judgment of the Court in ***Komalpreet Kaur Dhillon v. Union of India and others, CWP-3200-2025*** against which a Special Leave to Appeal preferred before the Supreme Court being SLP (C) No.21354-2025 has also been dismissed on merits. It is submitted that the principles of merger would apply and once the issue has been settled with the dismissal of the Special Leave to Appeal by the Supreme Court, this Court would not be justified in issuing

any directions as is prayed for.

6. Learned counsel for the petitioner submits that the judgment in ***Vyom Yadav (supra)*** has not taken note of Section 72 of the Punjab Reorganization Act, 1966 (for short, ‘Act of 1966’).

7. We are not impressed by the argument so advanced on behalf of the petitioner inasmuch as the import of the provisions of the Act of 1966 has been dealt with specifically in paragraph No.10 of the judgment in ***Vyom Yadav (supra)***. The Co-ordinate Bench has otherwise refused to issue a writ of mandamus on the ground that State is well within its right to implement EWS reservation in educational institutions or not. The decision taken, not to implement EWS reservation in educational institutions is a part of policy of the State, which requires no interference. That being the case, we do not find any justification for this Court to take any different view once the controversy stands settled up to the Supreme Court.

8. The present writ petition is accordingly dismissed.

9. Pending application(s), if any, also stand(s) disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

OCTOBER 28, 2025

Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No