



2024:PHHC:105965-DB



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

**206**

CWP-16520-2023 (O&M)  
Reserved on: 15.07.2024  
Pronounced on: 14.08.2024

Vyom Yadav

...Petitioner

Versus

Union of India and others

...Respondents

**206-2**

CWP-14572-2024 (O&M)

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.

Ms. Saigeeta Srivastava, Advocate, for respondent No.1.

Mr. Sumeet Jain, Advocate and  
Ms. Sukhmani Patwalia, Advocate,  
for respondent Nos.2 and 3 (in CWP-14572-2024) and  
for respondent Nos.2 and 4 (in CWP-16520-2023).

Ms. Gehna Vaishnavi, Advocate,  
for respondent No.4 and (in CWP-14572-2024) and  
for respondent Nos.3 and 5 (in CWP-16520-2023).

\*\*\*\*\*



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-2-

**VIKAS SURI, J.**

1. This order would dispose of two writ petitions filed by the petitioner, i.e. CWP-16520-2023 and CWP-14572-2024, wherein the main issue involved is of reservation for OBC category in admissions to Bachelor of Engineering course. The above petitions pertain to the session 2023-24 and 2024-25, respectively. With the consent of learned counsel for the parties, both the petitions were heard together and are being disposed of by common judgment. The documents are being referred to from CWP-16520-2023, unless specifically mentioned in reference to the context.

2. Briefly stated, petitioner–Vyom Yadav passed his 12<sup>th</sup> class and appeared in Joint Entrance Examination (Main) 2023 (for short, ‘JEE-2023’) and secured 194358 rank in the Common Rank list (CRL) and 63999 in the Other Backward Class non creamy layer (OBC-NCL) as per National Testing Agency (NTA) Score (Annexure P-2).

2.1 Being an aspirant for a seat in Bachelor of Engineering (BE) course, petitioner sought admission in University Institute of Engineering and Technology, Panjab University (for short, ‘UIET’) and Chandigarh College of Engineering and Technology, Sector 26, Chandigarh (for short, ‘CCET-26’). The petitioner seeks advantage of his Certificate of Other Backward Classes dated 03.05.2023 issued by the Sub Divisional Magistrate(S), U.T. Chandigarh (Annexure P-3).

2.2 Information Brochure 2023 (Annexure P-5), which governs



2024:PHHC:105965-DB

**CWP-16520-2023 and  
CWP-14572-2024**

-3-

the admission process and seat allocation for the session 2023-24, stipulates that Panjab University institutions have no reservation under OBC category and the candidates who have opted for OBC in JEE-2023 could change category to Backward Caste, provided they fulfil the requirement of BC as per Panjab University norms, else they were to be considered under General Category. All candidates were to be considered in General Category irrespective of their claim under reserved category, subject to fulfilment of minimum eligibility requirement and must not have availed relaxation in eligibility marks.

2.3 The petitioner filed CWP-14559-2023 praying for direction to the respondent college and University therein, to apply the Central Education Institutes (Reservation and Admission) Act, 2006 (for short, 'CEI Act, 2006') by providing reservation to other backward classes (OBCs) category students. It was pleaded in the said petition that petitioner had represented to the concerned respondents, which was not being decided. The aforesaid writ petition was disposed of by a coordinate Bench, vide order dated 17.07.2023 (Annexure P-13), after noticing the statement of learned counsel appearing for the respondents to the effect that the representation dated 04.06.2023 (Annexure P-8) as regards petitioner's grievance raised therein, would be considered and decided by the authorities expeditiously in accordance with law. In compliance to order dated 17.07.2023, Joint Admission Committee (for short, 'JAC-2023') as well as Panjab University, Chandigarh dealt with said representation and vide speaking orders dated 25.07.2023,



2024:PHHC:105965-DB

**CWP-16520-2023 and  
CWP-14572-2024****-4-**

Annexure P-14 and P-15, respectively, rejected the same. JAC-2023 observed that the admissions to CCET-26 and other colleges of engineering of Panjab University were being made as per brochure published on 15.05.2023 with the commencement of admission process. The seat matrix of each participating institute approved by the respective authorities was mentioned in the brochure. The representation had been made after the start of admission process. The admissions in the participating institutions were strictly as per the rules and regulations framed by the Panjab University and UT Administration, Chandigarh; and there is no provision for reservation under the OBC category in any of the participating institutes. In the speaking order passed by Panjab University, it was observed that admissions to CCET-26 and to the colleges of engineering of Panjab University was being made by the JAC-2023 as per brochure issued by the Chandigarh Administration and in the brochure, there is no provision for reservation under OBC category. It was also noticed that CCET-26 comes under the Chandigarh Administration, which had issued the brochure.

2.4 The petitioner raised challenge to the aforesaid orders dated 25.07.2023 by way of CWP-16520-2023, besides seeking a mandamus to provide reservation of 27% to the socially and educationally backward classes category in admission; and to consider the candidature of the petitioner under OBC category. The prayer clause of the said writ petition is extracted hereunder for reference:



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-5-

- a) Issue a writ in the nature of certiorari quashing the letter annexed as Annexure P-13 & P-14 issued by the respondent No-3 & No-5 for admission in BE course in Chandigarh Colleges of Chandigarh to the extent of non-providing of reservation to Socially and educationally Backward Classes i.e OBC in the same.
- b) Issue a writ in the nature of mandamus directing the respondents to provide reservation of 27% to the socially and educationally backward classes Category in admission to BE in respondent no. 2 or 3 in the colleges and implement / comply with the provisions of the Act Annexure P-9 & P-10.
- c) Issue a writ on the nature of mandamus directing the respondents to consider the candidature of the petitioner in OBC Category in admission of BE in respondent no. 2 or respondent no-3 colleges and start the counselling for admission to BE in respondent no. 2 or 3 college after incorporating the reservation for socially and educationally backward classes means OBC in brochure JAC 2023 Annexure P-5.
- d) It is also prayed that respondent may kindly be directed to give provisional admission to the petitioner subject to the outcome of the writ petition.
- e) Dispense with the requirement of Serving advance notices to the respondents and filing certified copies of Annexure P-1 to P-15.
- f) Award the cost of the petition to the petitioner.
- g) It is further prayed that the admission process / counselling for admission to Bachelor of



2024:PHHC:105965-DB

**CWP-16520-2023 and  
CWP-14572-2024****-6-**

Engineering Course (BE) in Respondent no. 2 & Respondent No-3 Colleges in pursuance to brochure of JAC 2023 Annexure P-5 may kindly be stayed during the pendency of the present civil writ petition in the interest of Justice.

- h) 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.

2.5 The petitioner, on the strength of his rank in JEE-2023, secured a seat in CCET-26 and was admitted in BE (Civil Engineering).

2.6 During the pendency of the writ petition pertaining to JEE-2023, petitioner sought to be adjusted in the Computer Science Department, Panjab University, Chandigarh against a vacant seat. In the meanwhile, all five rounds of counselling including spot round of counselling (mop-up round) for admissions for the year 2023-24 were over. Petitioner had been allotted a seat in BE (Civil Engineering) Course at CCET-26 under the general category and he had accepted the same without protest or exception. The vacancies that became available after the last round of counselling have to be filled through 'Panjab University Migration in Engineering Entrance Test' (for short, 'PUMEET'), which had been started by the Panjab University in the year 2019, wherein students from within Panjab University as well as other institutes in India can appear to compete for the vacant seats. No vacant seat of the first year could be filled up without undergoing the



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-7-

aforesaid examination, as per applicable norms.

2.7 Considering the aforesaid, writ petition bearing number CWP-16520-2023 was dismissed vide order dated 23.12.2023, while noticing that OBC quota had not been adopted by Panjab University as well as by U.T. Chandigarh, although the applicants who had applied with OBC category were to be treated as General Category. It was also observed that as per letter dated 12.12.2023 issued by UIET, for the vacant seats, petitioner could participate in the PUMEET examination which was to be conducted after one year in May, 2024.

2.8 The petitioner sought review of the aforesaid order dated 13.12.2023, by way of RA-CW-431-2023, on the ground that his writ petition has been dismissed without expressing any opinion on the main prayer made and the issue raised by him, i.e. issuance of direction to the respondents to provide for 27% reservation for Other Backward Classes at the time of making admissions to Engineering courses. Vide order dated 24.12.2024, passed by the Coordinate Bench, the review application was allowed and after recalling order dated 13.12.2023, the writ petition was order to be listed before an appropriate Bench.

2.9 In the meanwhile, the petitioner while pursuing BE (Civil Engineering) appeared in Joint Entrance Examination (Main) 2024 (for short 'JEE-2024') and secured 445830 rank in the Common Rank list (CRL) and 162568 in the Other Backward Class non creamy layer (OBC-NCL) as per NTA Score.



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-8-

2.10 As per the Information Brochure 2024, it was specifically stipulated that UIET is governed by the reservation rules of Panjab University, Chandigarh and CCET-26 by the reservation rules of Chandigarh Administration. Both the aforesaid reservation rules do not provide for reservation in admissions to OBC category.

2.11 Petitioner filed another writ petition, which was registered as CWP-14572-2024, seeking the following relief:

- I. Issue a writ in the nature of certiorari quashing the brochure annexed as Annexure P-9 issued by the respondent No-2 & 4 for admission in BE course in Chandigarh Colleges of Chandigarh to the extent of non-providing of reservation to SEBC/OBC.
- II. Issue a writ in the nature of mandamus directing the respondents to provide reservation of 27% to SEBC/OBC Category in admission to BE in respondent no. 2 in the college and implement / comply with the provisions of the Act Annexure P-5 & P-6.
- III. Issues a writ on the nature of mandamus directing the respondents to consider the candidature of the petitioner in SEBC/OBC Category in admission of BE 1 year in respondent no. 2 college and start the counselling for admission to BE in respondent no. 2 college after incorporating the reservation for SEBC/ OBC in brochure JAC 2024 Annexure P-9
- IV. Dispense with the requirement of Serving advance notices to the respondents and filing certified copies of Annexures
- V. Award the costs
  - i. It is further prayed that the admission process/





2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-9-

counselling for admission to BE 1<sup>st</sup> Year in Respondent No-2 college in pursuance to prospectus (JAC-2024) Annexure P-9 may kindly be stayed and also prayed that during the pendency of the present petition in this Hon'ble Court, the Respondent Authorities may kindly be directed to keep reserve appropriate and suitable seats meant for SEBC/OBC Category under 85% seats of state/UT Quota, till final disposal of the present petition by this Hon'ble Court.

2.12 Though no challenge was made to the Brochure 2023 in CWP-16520-2023, but in subsequent writ petition (CWP-14572-2024) challenge has also been laid to Information Brochure 2024 while again seeking the relief of mandamus to the respondents to provide reservation of 27% to SEBC/ OBC category in admissions to BE in CCET-26.

3. Upon notice having been issued, the contesting respondents have opposed both the petitions by filing their respective reply.

4. Petitioner and his natural guardian/father Mr. Vinay Yadav have argued that after the Constitution 102<sup>nd</sup> Amendment has come in force, CCET-26 being a central educational institution ought to have provided for reservation in admissions under the SEBC/OBC category, in terms of the provisions of the Central Educational Institutions (Reservations in Admission) Act, 2006. Reliance has been placed upon ***Neil Aurelio Nunes (OBC reservation) and others vs. Union of India and others, (2022) 4 SCC 1***. It is contended that Hon'ble Supreme Court has upheld challenge to notification dated 29.07.2021, whereby



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-10-

reservation within All-India Quota (AIQ) seats for OBC (non-creamy layer) was provided. Further, the decision in *Pradeep Jain vs. Union of India, (1984) 3 SCC 654* stands clarified and it has been held that Articles 15(4) and 16(4) of the Constitution of India do not prohibit reservation within AIQ.

4.1 It was further contended that from JEE-2023 (session 2023-24), there are still 65 vacant seats in UIET, out of which 4 seats pertain to Computer Science whereas 10 seats of the same discipline are in CCET-26. Both the aforesaid institutes have adopted the conduct of PUMEET/PULEET. The petitioner may be considered for change of his branch from Civil to Computer Science against any of the vacant seats, either in CCET-26 or in UIET. It is also contended that Chandigarh Administration had issued and is still issuing OBC certificate to the residents of Chandigarh but the said Administration is not providing for reservation in CCET-26 and UIET, whereas the same has been accepted in 15% All-India Quota i.e. 27% of 15% AIQ, even for institutes affiliated with Panjab University, Chandigarh, which is discriminatory.

5. Per contra, learned counsels for the respondents have argued that Article 15(5) and 16(4) of the Constitution are only enabling provisions, which permit the State to make provision for reservation of these category of persons. They do not cast a mandate to provide for reservation to socially and educationally backward classes, which falls exclusively within the domain of the policy making power of the



2024:PHHC:105965-DB



CWP-16520-2023 and  
CWP-14572-2024

-11-

answering respondents. Though power lies with the State to make a provision but, at the same time, Courts cannot issue any mandamus to the State to necessarily make such a provision. It is submitted that as per the law laid down in *The State of Punjab vs. Anshika Goyal and others*, (2022) 3 SCC 633, a mandamus ought not to be issued to the State to provide a particular percentage of reservation, while exercising powers under Article 226 of the Constitution of India. Reliance is also placed upon *Mukesh Kumar vs. State of Uttarakhand*, (2020) 3 SCC 1 and *Suresh Chand Gautam vs. State of Uttar Pradesh*, (2016) 11 SCC 113, to urge that no mandamus can be issued to the State to either provide reservation or for relaxation. It is the discretion of the State and if a mandamus is allowed to be issued, it would amount to entering into domain of legislation.

5.1 It was further submitted that CEI Act, 2006 is not applicable to the colleges/institutions of Chandigarh Administration, as well as to Panjab University, Chandigarh. It is contended that Panjab University is a creation of State legislation of 1947 and cannot be declared as a centrally funded institution. Reliance in that regard is placed upon the decision in *Dr. Bhura Singh Ghuman vs. Panjab University, Chandigarh and others*, 2016(4) SCT 733, which relies upon two earlier division bench judgments of this Court wherein it was held that Panjab University is not a central education institution. Reference is to *Dr. AC Julka and others vs. Panjab University*, 2009(1) SCT 64 and *S.S. Bindra vs. State of Punjab*, 2011(3) SCT 291.



2024:PHHC:105965-DB

**CWP-16520-2023 and  
CWP-14572-2024**

-12-

5.2 Moreover, for an institution to come within the ambit of Section 2(d) of the CEI Act, 2006, the twin conditions therein have to be fulfilled, which are wanting in the present case. CCET-26 and UIET are under the administrative control of Chandigarh Administration whereas Panjab University, Chandigarh is established by a State Act. Hence, none of the two conditions are satisfied. For the session 2023-24, petitioner has not challenged the Information Brochure 2023 and as such, no relief beyond the one prayed for needs to be considered.

5.3 It was further contended that the oral prayer of the petitioner made during the course of hearing for either accommodating his candidature against a vacant seat from JAC-2023 or permitting him to change his branch from Civil to Computer Science, deserves to be rejected. In both the aforesaid situations, petitioner was required to sit for PUMEET, which he has not done. No seat from the first year can be filled up without undergoing the aforesaid exam. It is also submitted that the petitioner has consumed a seat in the general category under home state quota of 85% reservation for candidates having qualified 10+2 examination from Chandigarh. Thus, the petitioner having accepted admission in BE (Civil Engineering) under the home state quota, cannot be shifted to 15% AIQ.

5.4 As per the rules, regulations and guidelines, the prerequisite conditions to appear in PUMEET are as under:

- i. the applicant must have appeared in Joint Entrance Test (JEE) conducted by National Testing Agency



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-13-

- (NTA) in the previous year; and
- ii. the applicant must have qualified the first year of BE course with a minimum percentage of 60% or equivalent grade from any recognized University or Engineering Institution within India;

It was submitted that the petitioner could not satisfy the latter of the above preconditions, having secured only 24 out of the mandatory 39 credits in his academic performance in the first and second semesters and hence, is not eligible to attempt to upgrade his branch of Engineering. Thus, the petitioner has failed to make out a case within the four corners of the rules and regulations.

6. We have heard petitioner with his natural guardian/father Mr. Vinay Yadav, learned counsels for the respondents and have perused the pleadings as well as the material placed on record.

7. Having given our thoughtful consideration to the rival contentions advanced, we are not persuaded by those on behalf of the petitioner, in the light of following discussion.

8. It would be apposite to notice a few relevant provisions, which are extracted hereunder for ready reference:-

### **Information Brochure, 2023**

#### **Chapter – 3**

#### **Important Guidelines**

1 to 3 xxxxx

4. During registration process, a candidate has to provide his/her category/ sub-category information. **The Panjab University**



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

**-14-**

**Institutions have no reservation under OBC category.** Therefore, the candidates who have opted OBC in JEE (Main)-2023 can change their category to BC (provided they fulfill the requirement of BC as per Panjab University norms), else they will be considered under General Category. If the BC certificate does not have a mention of belonging to a non creamy layer, then in order to be eligible for BC category, it is mandatory to submit separate certificate of belonging to non creamy layer along with the relevant category certificate.

5. No candidate will be considered for admission against a category for which he/she has not applied. If no mention is made about the category in his/her application, the candidate will be considered only for the General Category.
6. Every candidate should apply for the reserved category/subcategory(ies) to which he/she belongs to in the admission form. All candidates will be considered in the General Category irrespective of the fact that they have claimed for admission under reserved categories subject to the conditions that the candidates of SC/ST/PwD/BC categories fulfil the minimum eligibility requirement of General category and must not have availed relaxation in eligibility marks. However, the candidates applying in EWS category (under Tuition Fee Waiver Scheme) will be first considered in the EWS category and then in the General category during the seat allotment process.

7 to 26      xxxxxx

### **Central Educational Institutions (Reservation in Admission)**

**Act, 2006**

#### Section 2(d)

(d) “Central Educational Institution” means—



2024:PHHC:105965-DB

**CWP-16520-2023 and  
CWP-14572-2024**

-15-

- (i) a university established or incorporated by or under a Central Act;
- (ii) an institution of national importance set up by an Act of Parliament;
- (iii) an institution, declared as a deemed University under Section 3 of the University Grants Commission Act, 1956 (3 of 1956), and maintained by or receiving aid from the Central Government;
- (iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in clause (i) or clause (ii), or a constituent unit of an institution referred to in clause (iii);
- (v) an educational institution set up by the Central Government under the Societies Registration Act, 1860 (21 of 1860);

9. A perusal of the provision under Section 2(d) of the CEI Act, 2006 shows that for an institute to be a Central Education Institution, it is to be a university established or incorporated by or under the Central Act; or an institution of national importance set up by an Act of Parliament; or an institution, declared as a deemed university under Section 3 of the University Grants Commission Act, 1956, and maintained by or is receiving aid from the Central Government; or an education institution set up by the Central Government under the Societies Registration Act, 1860; or an institution maintained by or receiving aid from the Central Government and affiliated to an



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-16-

institution referred to in clause (i) or clause (ii) or is a constituent unit of an institution referred to in clause (iii) of the said provision.

10. A Division Bench of this Court in ***Dr. Bhura Singh Ghuman vs. Panjab University, Chandigarh and others***, 2016(4) SCT 733, referring to Section 2(d) of the Panjab University Act, 1947 and Section 72 of the Punjab Re-Organization Act, 1966, held that the Panjab University would stand on the same footing as other State Universities. Reliance was placed on earlier division bench judgments in ***Professor S.S. Bindra's case*** (supra) and ***Dr. A.C. Julka's case*** (supra), wherein it was held that the Panjab University is not a central university and was further held not be a centrally funded university under any law. It is not disputed that CCET-26 and UIET are under the administrative control of the Chandigarh Administration and Panjab University, respectively. The same being the admitted factual position on record in the present case, the twin conditions specified under Section 2(d) of the CEI Act, 2006 are not satisfied which are to be necessarily fulfilled before the institution in question can be considered a Central Education Institution as laid down in ***Ram Avtar Manda vs. Guru Gobind Singh Indraprastha University***, 2014(3) SCT 300. None of the conditions specified in Section 2(d) of the CEI Act, 2006 are satisfied, in as much as they pertain to UEIT, CCET-26 or Panjab University, Chandigarh. In the light of the above, in our considered opinion, the provisions of CEI Act, 2006 would not extend to the institutes/University in question and





2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-17-

thus, the reservation provided under Section 3 thereof, would not be applicable in the case at hand.

11. It is also not contested that the Information Brochure, 2023 or the Policy in not having provided reservation for OBC in admissions by JAC-2023 (session 2023-24), is not under challenge. The petitioner having failed to meet the minimum required qualification for sitting for PUMEET examination, cannot be permitted to assail the same. Moreover, it is not the case of the petitioner that PUMEET examination is not necessary for being considered for changing the branch against vacant seats. Thus, the petitioner cannot be considered for the change of discipline from Civil to Computer Science, even if there were vacant seats in the concerned branch, which could only have been filled by having secured a merit position after competing with other candidates on all India basis.

12. The Hon'ble Supreme Court of India in *Anshika Goyal's case* (supra) was considering the question whether the State Government's action taking a policy decision to prescribe a particular percentage of reservation/quota for a particular category of persons, can be interfered with by issuance of a writ of mandamus, directing the State Government to provide for a particular percentage of reservation for a particular category of persons, other than what has been provided in the policy decision taken by the State Government. The Apex Court after considering *Gulshan Prakash vs. State of Haryana, (2010) 1 SCC 477*,



2024:PHHC:105965-DB

CWP-16520-2023 and  
CWP-14572-2024

-18-

***Chairman and Managing Director, Central Bank of India and others vs. Central Bank of India SC/ST Employees Welfare Association and others, (2015) 12 SCC 308, Suresh Chand Gautam vs. State of U.P. (2016) 11 SCC 113, M. Nagaraj vs. Union of India, (2006) 8 SCC 212, Census Commissioner vs. R. Krishnamurthy, (2015) 2 SCC 796, Mukesh Kumar vs. State of Uttarakhand, (2020) 3 SCC 1, set aside the direction issued by the High Court directing to provide for a sports quota of 3% in Government medical/dental colleges in the State of Punjab, by observing that no writ of mandamus could have been issued by the High Court. The relevant portion of the said judgment reads as thus:-***

“10. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, we are of the opinion that the High Court has committed a grave error in issuing a writ of mandamus and directing the State Government to provide for 3% reservation/quota for sportspersons, instead of 1% as provided by the State Government. A conscious policy decision was taken by the State Government to provide for 1% reservation/quota for sportspersons. A specific Order dated 25-7-2019 was also issued by the State Government. Therefore, the High Court has exceeded its jurisdiction while issuing a writ of mandamus directing the State to provide a particular percentage of reservation for sportspersons, namely, in the present case, 3% reservation instead of 1% provided by the State Government, while exercising powers under Article 226 of the Constitution of India. Therefore, the impugned common judgment and order [*Anshika Goyal v. State of Punjab*, 2019 SCC OnLine P&H 6235] passed by the High Court insofar as directing the State to provide for 3%



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

**-19-**

reservation for sportspersons and/or provide for a sports quota of 3% in the government medical/dental colleges is unsustainable and the same deserves to be quashed and set aside.

11. In view of the above and for the reasons stated above, the first direction issued by the High Court directing the State to issue a fresh notification providing for 1% reservation/quota for children/grandchildren of terrorist-affected persons/Sikh riot-affected persons in all private unaided non-minority medical/dental institutions in the State of Punjab is concerned, the present appeals are disposed of as the said issue has become academic for the reasons stated hereinabove, However, the question of law, whether such a direction/writ of mandamus could have been issued is kept open.

11.1. So far as the second direction issued by the High Court directing to provide for a sports quota of 3% in government medical/dental colleges in the State of Punjab is concerned, the same is hereby quashed and set aside by observing that no writ of mandamus could have been issued by the High Court.”

13. In *Gulshan Prakash (Dr.) and others vs. State of Haryana and others*, (2010) 1 SCC 477, the Apex Court laid down that Article 15(4) of the Constitution is not an exception but only makes a special application of the principle of reasonable classification. Article 15(4) does not make any mandatory provision for reservation and the power to make reservation under Article 15(4) is discretionary and no writ can be issued to effect reservation. The contention raised in the said case was that the Government of India



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-20-

itself had made a provision for reservation for SC/ST candidates even in all-India entrance examination for the postgraduate courses, the State of Haryana is bound to follow the same and issue appropriate orders/directions providing reservation in the postgraduate courses and the prospectus *dehors* any provision for reservation was bad and liable to be quashed. Rejecting the contention it was held that the same cannot automatically be applied in other selections where the State Governments have power to regulate.

14. The half hearted challenge to the Information Brochure 2024 on the ground of arbitrariness only need be noticed and rejected. To our mind, the said challenge cannot be sustained in law. There is no rationale in the argument that just because Chandigarh Administration was issuing OBC certificate to the residents of Chandigarh, it ought to provide for reservation in admissions for the said category *dehors* their policy decision on reservation. On the contrary, the Administration would do disservice to the class of citizens if it does not issue the requisite certificate, as it would curtail the right of a candidate seeking benefit on the basis of such certificate in institutions providing reservation for OBC category, in admissions or service matters.

15. No other issue was urged or argued.

16. The complete conspectus of the above is that it is ultimately for the State to provide for reservation for a particular



2024:PHHC:105965-DB

**CWP-16520-2023 and  
CWP-14572-2024****-21-**

class/category and no State can be compelled and/or no writ of mandamus can be issued directing the State to provide for reservation for a particular class or category. A writ of Mandamus can only be issued where a legal right vests in the petitioner and there is a violation of that right by the government. Where a legal right is violated by a government order made pursuant to an existing reservation policy, a writ of mandamus can lie. However, the Court cannot interfere in the policy making sphere of the government and instruct it to provide reservations.

17. In view of the above discussion, we are of the considered view that University Institute of Engineering and Technology, Panjab University (UIET) or Chandigarh College of Engineering and Technology, Sector 26, Chandigarh (CCET-26) or Panjab University, Chandigarh, do not come within the ambit of the term 'Central Educational Institution' as defined under Section 2(d) of the CEI Act, 2006 and thus, reservation in terms of Section 3 of the Act (supra) cannot be forced upon them. Reservation rules of Chandigarh Administration and Panjab University, Chandigarh not providing reservation for SEBC/OBC category, in admissions to the institutions under it, is a matter of policy decision and does not vest any right in the petitioner to seek issuance of mandamus to grant such reservation. The Information Brochure 2024 does not suffer from the



2024:PHHC:105965-DB



**CWP-16520-2023 and  
CWP-14572-2024**

-22-

vice of arbitrariness for not having provided reservation in admission under OBC category as such.

18. Accordingly, both the writ petitions being bereft of merit, are dismissed. Pending applications, if any, also stand disposed of.

**(SHEEL NAGU)  
CHIEF JUSTICE**

**(VIKAS SURI)  
JUDGE**

August 14, 2024

*sumit.k*

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No

