

**(2018) 08 P&H CK 0135**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Civil Writ Petition No.15738 of 2018 (O&M)

|                                                             |            |
|-------------------------------------------------------------|------------|
| Aditya Singh Barget (minor) through his father-Vikram Singh | APPELLANT  |
| Vs                                                          |            |
| Union of India and others                                   | RESPONDENT |

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**Date of Decision :** 13-08-2018

**Acts Referred:**

University Grants Commission Act, 1956 — Section 2(d)(iii), 3(iii), 4, 5

**Citation :** (2018) 08 P&H CK 0135

**Hon'ble Judges :** MAHESH GROVER, J;MAHABIR SINGH SINDHU, J

**Bench :** Division Bench

**Advocate :** Amar Vivek, Vinod Sharma, Ashwani Talwar, Akshay Bansal, Amit Jhanji

**Final Decision :** Dismissed

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## Judgement

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Allowed as prayed for.,,

Annexure P-18 (colly.) is taken on record.,,

MAIN CASE.,,

Present writ petition has been filed praying for issuance of a writ in the nature of mandamus directing the respondents to implement the Central.,,

Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter to be referred as 'the Act') for the purpose of providing reservation for the",,,

Category of Other Backward Classes, to which the petitioner belongs, in admission to the Bachelor of Engineering (B.E.) Courses (hereinafter to be",,,

referred as 'the Course') in the Punjab Engineering College, a deemed University.",,,

It is not in dispute that the Punjab Engineering College is a deemed University.,,

The petitioner refers to the Act in particular Section 2(d)(iii); Section 3 sub clause (iii) and Sections 4 & 5 of the Act. These provisions referred to,,

while advancing arguments before us are extracted hereinbelow for ready reference:-,,

â?? Section 2 (d) â?? Central Educational Institution"" means-"",,

i. xxxxxxxx,,

ii. xxxxxxxx,,

iii. an institution, declared as a deemed University under section 3 of the University Grants Commission Act, 1956, and maintained by or receiving aid",,,

from the Central Government;,,

iv. xxxxxxxx,,

v. xxxxxxxx,,

Section 3. Reservation of seats in Central Educational Institutions. â?"",,,

The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:-",,,

i. out of the annual permitted strength in each branch of study or faculty, fifteen per cent. seats shall be reserved for the Scheduled Castes;"",,

ii. out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent. seats shall be reserved for the Scheduled",,,

Tribes;,,

iii. out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent. seats shall be reserved for the Other Backward",,,

Classes.,,,

Section 4. Act not to apply in certain cases.-,,

The provisions of section 3 of this Act shall not apply to-,,

(a) a Central Educational Institution established in the tribal areas referred to in the Sixth Schedule to the Constitution;,,

(b) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act: Provided",,,

that the Central Government may, as and when considered necessary, by notification in the Official Gazette, amend the Schedule;"",,

(c) a Minority Educational Institution as defined in this Act;,,

(d) a course or programme at high levels of specialisation, including at the post-

doctoral level, within any branch of study or faculty, which the Central",,,  
Government may, in consultation with the appropriate authority, specify.",,,

Section 5. Mandatory increase of seats. â?"",,,

(1) Notwithstanding anything contained in clause (iii) of section 3 and in any other law for the time being in force, every Central Educational Institution",,,

shall, with the prior approval of the appropriate authority, increase the number of seats in a branch of study or faculty over and above its annual",,,

permitted strength so that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and",,,

the Other Backward Classes, is not less than the number of such seats available for the academic session immediately preceding the date of the",,,

coming into force of this Act.,,,

(2) Where, on a representation by any Central Educational Institution, the Central Government, in consultation with the appropriate authority, is",,,

satisfied that for reasons of financial, physical or academic limitations or in order to maintain the standards of education, the annual permitted strength",,,

in any branch of study or faculty of such institution cannot be increased for the academic session following the commencement of this Act, it may",,,

permit by notification in the Official Gazette, such institution to increase the annual permitted strength over a maximum period of three years beginning",,,

with the academic session following the commencement of this Act; and then, the extent of reservation for the Other Backward Classes as provided",,,

in clause (iii) of section 3 shall be limited for that academic session in such manner that the number of seats available to the Other Backward Classes,,

for each academic session are commensurate with the increase in the permitted strength for each year. â??",,,

Learned Counsel for the petitioner contends that a Central Educational Institution under the Central Educational Institutions Act, 2006 (Annexure P-5)",,,

would mean an Institution, declared as a deemed University under Section 2(d) (iii) of the University Grants Commission Act, 1956 and â??"maintained",,,

by or receiving aid from the Central Governmentâ?. It is argued before us that the Punjab Engineering College is concededly a deemed University and,,

receiving aid from the Central Government, which would bind it to the requirement of 27% reservation of seats for Other Backward Classes.",,,

Head of Account, BE 2016-17, BE 2017-18

2203-Technical Education,,

112-Engineering/Technical

College and Institutes",,,

06-Punjab Engineering College,,

06.00.31-Grant-in-aid (General),126500,126500

06.00.35-Grants for creation of

Capital Assets",0,0

06.00.36-Grant-in-aid (Salaries),255000,275000

Total- Punjab Engineering

College",381500,481500

Punjab Engineering College would come under the definition of the Education Institution as Section 2(d) (iii) of the Act, it clearly, being a deemed",,,

University, has been granted an autonomous status with no direct funding from the Central Government. Indeed, the UT, Chandigarh receives funds",,,

for Technical Education as it does for other project also from the Central Government to distribute it for the intended purpose. The Punjab Engineering,,

College likewise gets its grant from the Administration after the funds have been received under a particular head from the Central Government.,,,

There is nothing on record to show that the Punjab Engineering College is funded directly by the Central Government to bring it with the ambit of the,,

Act. Since the petitioner has failed to establish the plea raised before us, we dismiss the present petition.",,,