
(1988) 09 P&H CK 0108

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 6460 of 1988 (O and M)

Manu Bhandari

APPELLANT

Vs

Punjab University, Chandigarh

RESPONDENT

Date of Decision : 06-09-1988

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : AIR 1989 P&H 193 : (1989) 1 ILR (P&H) 274

Hon'ble Judges : Ujagar Singh, J;M.M. Punchhi, J

Bench : Division Bench

Advocate : H.S. Sethi, for the Appellant; J.L. Gupta and Subhash Ahuja, for the Respondent

Final Decision : Dismissed

Judgement

M.M. Punchhi, J.—The petitioner is a graduate from Punjabi University, Patiala. He sought admission in the Law Department of the Punjab University, Chandigarh. He was qualified to seek admission being a graduate. He was not admitted because other graduates from the Punjab University seeking admission secured over him because they got weightage of 10 per cent under Clause 6 of the prospectus which provided that 10 per cent weightage is to be given to those passing the qualifying examination from the Punjab University. It was contended on behalf of the petitioner that this is an institutional reservation and being cent per cent was violative of Article 14 of the Constitution.

2. Return has been filed by the respondent in which grant of 10 per cent weightage has been justified. It has been suggested as a sort of institutional preference and not reservation in any event.

3. Institutional preference stands judiciously recognised by the Apex Court and varied methods can be devised by a particular Institution to preferentially cater to the needs of the students living in that area coming out from the same University or the Institution. This precisely has been done in the instant case.

The measure of grant of 10 per cent weightage in such circumstances by the Punjab University is an instance of institutional preference and yet all the seats have remained open to everyone. The petitioner rubbed shoulders against the graduates from the Punjab University and it turns out to be that he has not been successful. It does not lie in the mouth of the petitioner now to suggest that there was some reservation, for had there been any, he would not have been considered at all. We are, thus, of the view that no fault can be found with such weightage granted to the Punjab University Graduates in the matter of admission to the Law Department of the Punjab University, Chandigarh. Resultantly, we dismiss the petition in limine.