

(2011) 07 P&H CK 0191

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11049 of 2011 (O and M)

Priya Prashar

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 07-07-2011

Acts Referred:

Citation : (2011) 164 PLR 220

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K. Kannan, J.—The petitioner pleads that in the manner of reservation specified providing to candidates aspiring for seats under medical colleges after medical entrants test, the Government has provided for 1% reservation only for children and grandchildren of specified relations of the freedom fighters but the reservation shall provide also for great grandchildren, in the absence of a child or grandchild specified in the notification. The petitioner's contention is that she is the great grandchild of the freedom fighter Girdhari Lal and the children and the grandchildren of the relationship mentioned in the notification are not available and consequently, she must be found fit to be treated as eligible for the reservation provided in the notification. To such an extent, the petitioner has already made a representation and would want a consideration of her plea on the basis of such representation.

2. If the Government, as an executive policy, decides to limit the reservation to the child or a grandchild of the freedom fighter and not extend beyond two degrees downwards excluding the freedom fighter, it shall be fully competent to do so. An enlargement of reservation to one more degree downwards cannot be asked as a matter of right. It could even lead to absurd consequences. Freedom of India was not fought only for a few years before India became free from the British rule. Historians would even relate to the freedom movement as commencing from 1857 which is termed as the "First War of Indian

independence". It could just as well be possible that someone distanced by 6 to 7 degrees from the person, who had fought in the first war of Indian independence claim such a right of reservation. If the executive, in its wisdom restricted the policy of reservation to two generations down the line of a freedom fighter, there could be no dilution of such a policy through any judicial intervention. In T.T. Saravanan, rep. by his father and natural guardian, Dr. G.T. Thangarajan, T. Rajalakshmi, R. Lakshmi, Minor, rep. by his father and natural guardian, P. Ranganathareddy, S.S.R. Muthukumaraswamy and Harsha through his Guardian and Grandfather, K. Lakshmi Kanthan Bharathi Vs. State of Tamilnadu, , the Madras High Court upheld the decision of the Government to restrict the reservation only to children of freedom fighters and to drop the benefit to grandchildren. The Court reasoned that the object of the impugned reservation system was to aid those who may have suffered due to their parents being freedom fighters and that the grandchildren would not have undergone the same suffering. I would apply the same line of reasoning and find the State policy also to be reasonable. Under the circumstances, the prayer sought for is not tenable and it is declined.

3. The writ petition is dismissed.