



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

205

CWP-3200-2025 (O&M)

DATE OF DECISION : 7th July, 2025

Komalpreet Kaur Dhillon

.... Petitioner

Versus

Union of India and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

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**Present : Mr.Satnam Singh Abiana, Advocate
for the petitioner.**

**Mr.Anil Chawla, Senior Panel Counsel
for respondent No.1- Union of India.**

**Mr.Puneet Gupta, Mr.Anil Rana and
Mr.Ravindra Singh, Advocates for
respondent No.2 – Rajiv Gandhi National University of Law.**

**Ms. Lovenish Kaur, Advocate for
Mr.Heman Aggarwal, Advocate
for respondent No.5- University Grants Commission.**

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SHEEL NAGU, CJ. (Oral)

1. The sole petitioner in the present petition belongs to Backward Class, she being a Jat Sikh (except in Bharatpur and Dhaulpur Districts) Community, Rajasthan which is recognized as Backward Class under the Government of India.



1.1 Petitioner is aggrieved by the fact that no reservation for Backward Classes is provided in admissions at respondent No.2 – Rajiv Gandhi National University of Law, Patiala, Punjab, constituted under Rajiv Gandhi National University of Law Punjab Act, 2006.

2. It is contended by learned counsel for the petitioner in view of the fact that despite law laid down by the Apex Court in the celebrated case of **Indira Sawhney vs. Union of India 1992 Suppl.(3) SCC 217**, where, reservation for Other Backward Classes has been upheld and also looking to the fact that other National Law Universities have provisions for reserving 27% of seats for OBC category, the respondent No.2 University by not providing any reservation for OBCs has acted unconstitutionally.

3. This Court need not enter into the prolixity of adjudication since similar issue of non-reservation for OBC category in the Panjab University has already been decided by this Court in its common judgment dated 14.08.2024 in **CWP-16520-2023** titled '**Vyom Yadav and Union of India and others**' and connected matters. Relevant portion of the said judgment reads as under:-

“16. The complete conspectus of the above is that it is ultimately for the State to provide for reservation for a 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 vice of arbitrariness for not having provided reservation in admission under OBC category as such.”

3.1 The co-ordinate Bench of this Court has taken the aforesaid view primarily on the ground that even the Constitution under Article 15(4) does not mandatorily provide for reservation. The said provision under the Constitution qua reservation is only an enabling provision, thereby, leaving it to the concerned Institute/State to provide for reservation. For readily reference and convenience, Article 15(4) is reproduced below:-

“Article 15(4): Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and



educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.”

3.2 From the terminology used in Article 15(4), it is obvious that the Constitution does not mandate providing for reservation or quantum therefor, but leaves it for the State to make special provisions for advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

3.3 Accordingly, going by the terminology of Article 15(4) of the Constitution, the Apex Court in **Gulshan Prakash (Dr.) and others vs. State of Haryana and others, (2010) 1 SCC 477** held that Article 15(4) is discretionary and no direction can be issued to give effect to reservation. Such special provision will be made not only by the Legislature but also by Executive. The relevant extract of the said judgment reads as follows:-

“13) The principle behind [Article 15\(4\)](#) is that a preferential treatment can be given validly when the socially and educationally backward classes need it. This article enables the State Government to make provisions for upliftment of Scheduled Castes and Scheduled Tribes including reservation of seats for admission to educational institutions. It was also held that [Article 15\(4\)](#) 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. Such special provision may be made not only by the Legislature but also by the Executive.”



4. Learned counsel for the petitioner has also relied upon The Central Educational Institutions (Reservation in Admission) Act, 2006, where, as per Section 3 the extent of reservation for OBCs is 27%. However, the said Act of 2006 applies only to the Central Educational Institutions, which is evident from the introductory part of the said Act. ‘Central Educational Institution’ is defined in Section 2(d), which is reproduced below for ready reference and convenience:-

“2. Definitions.—In this Act, unless the context otherwise requires,—

(d) “Central Educational Institution” means—

(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);



4.1 Learned counsel for the petitioner does not dispute that respondent No.2 University does not fall within any of the afore-quoted five clauses, which define ‘Central Educational Institutions’. Respondent No.2 University is governed by the ‘Regulations’ framed under Section 29(2) of The Rajiv Gandhi National University of Law Punjab Act, 2006. Section 29(2) reads as under:-

29. Statutes and Regulations : (1) xxx xxx

(2) The first regulations of the University shall be made by the Vice-Chancellor with the approval of the Chancellor. They shall be placed before the Executive Council at its first meeting, which may adopt them with or without modifications. Subsequent regulations or modification in the regulations shall be made by the Executive Council.”

4.2 Pursuant to the aforesaid, Executive Council framed Regulations, which in Part-IV-Section-B, Clause 2, provide reservation as under:-

“PART-IV – SECTION-B

REGULATIONS AND SCHEME OF STUDIES FOR B.A.LL.B. (HONS.) FIVE YEAR INTEGRATED COURSE

2. INTAKE AND RESERVATION

The intake capacity of B.A.LL.B. (Hons.) Five Year Integrated Course shall be One Hundred and Eighty (180) (Approved by BCI letter No.1083/2014/LEMgt dated 21.07.2014) with following breakup:

<i>Category</i>	<i>Seats</i>
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-7-

(a) *General Category* *One Hundred Thirty Three (133)*

(b) *Schedule Castes (15%)* *Twenty Seven (27)*

(c) *Schedule Tribes (7½%)* *Fourteen (14)*

(d) *Persons with Disability (5%)* *Nine (09)*

(e) *Foreign Nationals* *Five (05)*

(f) *Punjab Residents (10%)* *Eighteen (18)*

(g) *Ancestral Resident of Village Sidhuwal, Dist. Patiala (This seat shall be additional to 18 seats for Residents of Punjab under Horizontal Reservation)* *One (01)*

(h) *NRI Students* *Five (05)*

(i) BC Category **Two (02)**

(RGNUL Adopted Punjab Govt. Notification No. 1/12/2017-RC-1/1046042/1-5 dated 17.08.2017 for 10% reservation for Backward Classes (BC) for admission to B.A.LL.B.(Hons.) out of the Punjab Residents Quota from the Academic Year 2022-23)

(j) *Economically Weaker Sections (EWS)* *Eighteen (18)*

(RGNUL Adopted BCI Order dated 29.07.2019 for reservation 10% seats for Economically Weaker Sections over and above its annual permitted strength from the Academic Year 2022-23)

Note: (1) Kashmiri Migrants: 5% extra seats for the wards of Kashmiri Migrants for admission to Under-Graduate and Post-Graduate Courses of Law from the Academic Session 2012-2013 and the candidate admitted against these seats shall be required to pass the CLAT examination and admission made on the basis of merit in CLAT [Approved by the Executive Council meeting dated 15.03.2012 Para 2(x)].



Concession for the wards of Kashmiri Migrants for admission

- (i) Relaxation in cut-off percentage upto 10% is permissible to such students subject to minimum eligibility requirement i.e. upto 35% in 10+2 Exam*
- (ii) Reservation of at least one seat in merit quota*

(Approved by the Executive Council/Academic Council at their respective meetings held on 08.07.2015 and 06.07.2015 Para 5(5))

(2) Supernumerary Quota for J&K: Two seats each under supernumerary quota for admission to Under-Graduate and Post-Graduate Courses of Law for the students from Jammu & Kashmir on the basis of inter se merit of this category from CLAT qualified candidate under UGC special scholarship scheme for students from Jammu & Kashmir to cover Tuition Fee, Hostel Fee, Cost of Books and other Incidental Charges. [Approved by the Executive Council meeting 01.11.2012 Para 3(ii) (i) & (ii)]

(3) NRI Seats in B.A.LL.B. (Hons.) Course - Five (05) additional seats for NRI candidates only for B.A.LL.B. (Hons.) Five Year Course to be admitted independently of CLAT⁹ w.e.f. the Academic Session 2015-16. The fee structure of these candidates shall be the same as of foreign national category. [Approved by the AC/EC meeting dated 16.05.2014 Para 5]

Five additional seats shall be offered in the Under-Graduate Course B.A.LL.B. (Hons.) FYIC only for Non Resident Indians, (NRI's). The NRI sponsored candidates shall not be eligible for admission under this category.

- (i) The term Non Resident Indian (NRI), shall be as per the Income Tax Law of India. However, notwithstanding any amendment in such laws, all*



rights, obligations and duties flowing from the Law and subsisting at the time of submission of the application shall be respected and mandated till completion of the B.A.LL.B.(Hons.) Course at RGNUL by the applicant.

(ii) Non Resident Indian (NRI) shall also include their spouses, dependents sons/daughters inclusive of legally adopted children. Save as provided above NRI sponsored (popularly termed as "NRI SPONSORED CANDIDATES") shall not be eligible for admission at RGNUL, Patiala.

(iii) In addition to other requirements, the NRI candidates are required to submit the following documents :

(a) NRI Certificate issued by the Indian embassy in the concerned country.

(b) Copy of the Passport of Parent working abroad/Copy of the work Permit/License to work of parent/copy of resident Permit of Parent/Letter from employer of the parent.

(c) English Translation of all documents & transcripts duly attested.

(d) Undertaking of Parent for financial support to the candidate including and payment of fee as prescribed for NRI category, by RGNUL. ”

4.3 A perusal of aforesaid, reveals that in exercise of powers vested in the Executive Council, reservation for OBCs has been provided to the extent of reserving 2 seats in Five Year Integrated Course of B.A.LL.B.(Hons.) (Undergraduate Course).



4.4 The said provision of clause 2(i) of Part-IV, Section-B of the Regulations of Rajiv Gandhi National University of Law, Punjab is challenged in this petition.

5. The aforesaid challenge cannot succeed in view of the fact that the Constitution itself provides for reservation through an enabling provision and not mandatory. More so, respondent No.2 University not being a Central Educational Institute under the The Central Educational Institutions (Reservation in Admission) Act, 2006, cannot be compelled to provide for a particular quantum of reservation as regards OBCs.

5.1 Moreover, counsel for petitioner could not point out any statutory provision mandating a particular quantum of reservation in admissions to courses imparted in Rajiv Gandhi National University of Law, Patiala.

6. In view of the aforesaid discussion, this Court does not find any substance in the petition.

7. Thus, the petition is dismissed, sans cost.

**(SHEEL NAGU)
CHIEF JUSTICE**

7th July, 2025
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**(SANJIV BERRY)
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>