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(2011) 11 P&H CK 0144

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 12090 of 2011 (O and M)

Kanchan Sindhu	APPELLANT
Vs	
State of Haryana and others	RESPONDENT

Date of Decision: Nov. 16, 2011

Citation: (2012) 167 PLR 123

Hon'ble Judges: Surya Kant, J

Bench: Single Bench

Advocate: NC Kinra, for the Appellant; Ravi Dutt Sharma, D.A.G. Haryana, for the State, Mr. S.C. Sibal with Mr. V.S. Rana for Respondent Nos. 2 and 3, Ms. Sudeepti Sharma, D.A.G. Punjab for Stet of Punjab and Mr. Sanjay Kaushal, Senior Standing Counsel, Chandigarh, for Chandigarh Administration, for the Respondent

Judgement

Surya Kant, J.
The petitioner is a daughter of an employee of the Punjab & Haryana High Court. She seeks a direction for her admission in the B.A.LL.B Five-Year Integrated Course in the Kurukshetra University by treating her at par with those whose parents are employees of the Haryana Government. During the course of hearing, it transpired that the employees working on the establishment of the High Court and undoubtedly discharging duties in relation to the affairs of the States of Punjab, Haryana and UT Chandigarh, are not being considered at par with the employees of the respective States/UT for the purpose of admissions or other incidental benefits. It was in this backdrop that this Court on September 26, 2011 passed the following order:-

Counsel for the State of Haryana submits, on instructions, that the State Government has decided to grant equivalence to High Court Employees with employees of the Government of India posted in Chandigarh or in Haryana in connection with the affairs of the Haryana Government. It is further submitted that High Court employees shall be entitled to draw benefits at one place/State. Counsel for the State of Haryana prays for time to file an appropriate affidavit appending the detailed decision.

2. Thereafter on 12th October, 2011, following order was passed:-

Let both the learned State counsel have categoric instructions as to how the employees working on the establishment of Punjab & Haryana High Court are not held entitled to weightage/benefit/reservation being granted to the wards of the employees of the States of the Punjab & Haryana, failing which this Court shall be constrained to restrain the State Governments from granting such benefits to the wards of their employees.

3. Having found that similar conditions prevailed in the UT Chandigarh also, a further direction to the following effect was issued on 31.10.2011:-

The affidavit dated 12.10.2011 filed by the State of Haryana categorically mentions that the State Government has decided to grant equivalence to the High Court employees "with the employees of the Government of India posted in Chandigarh or Haryana in connection with the affairs of the Haryana Government for issuance of a Residence Certificate...

In view of the said revised decision, it is directed that let the requisite "Residence Certificate" be issued to the petitioner. The respondent-University is further directed to consider her claim for admission against the reserved seat as per the above mentioned State Government decision before the next date of hearing.

In case, there is no other candidate higher in merit in the category she belongs, the petitioner be given admission to the Five Years Integrated Course of B.A.LL.B. (Hons.).

The above stated revised decision of the State Government, however, does not respond to the query raised by this Court.

In the interest of justice, one more opportunity is granted to both the State Governments/Chandigarh Administration to take a conscious decision as to why the employees working on the establishment of a common High Court set up for both the States of Punjab and Haryana, who apparently perform their duties in relation to the affairs of the States of Punjab, Haryana and Union Territory, Chandigarh, are being no treated at par with the employees of the States of Punjab, Haryana and Union Territory, Chandigarh, as the case may be.

4. The petitioner though pursuant to the above-stated direction has been granted admission rendering this writ petition infructuous, nevertheless it shall not absolve the States of Punjab, Haryana or UT Chandigarh from taking an appropriate Policy decision in accordance with law.

5. At this stage, learned counsel for the State of Punjab submits that a policy decision has been taken and is likely to be notified very soon.

6. The writ petition is accordingly disposed of with a direction to the State of Haryana and UT Chandigarh to take the policy decision in accordance with law and notify the same.

7. The needful shall be done as early as possible but not later than three months from the date of receipt of a certified copy of this order. Ordered accordingly. Dasti.