

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

CWP No.12132 of 2007
Date of decision: 28.9.2007

Puneet Sharma and others

-----Petitioners

Vs.

State of Punjab and others

-----Respondents

**CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA**

Present: Mr. Anil Chawla, Advocate for the petitioners.
Mr. Anil Kumar Sharma, Sr.DAG,Haryana.
Mr. DS Patwalia, Advocate.
Mr. Ashwani Kumar, Advocate for respondent No.5.

JUDGMENT

This petition seeks quashing of corrigendum dated 24.7.2007, Annexure P.2 issued by respondent No.1, State of Punjab and order dated 1.8.2007, Annexure P.3 issued by the Guru Nanak Dev University, to the effect that no admission to NRI sponsored seat shall be made.

On 13.8.2007, following order was passed:-

“The eligibility of the petitioners in NRI category has been cancelled. Admittedly, the petitioners are not NRIs nor the children or wards of the NRI. Merely being first degree relation is not enough for eligibility in NRI category in view of

the law laid down in **P.A.Inamdar Vs. State of Maharashtra**, AIR 2005 SC 3226. The petitioners are thus not entitled to any relief.

At this stage, learned counsel for the petitioners says that respondent Nos. 5 to 7 have also been illegally admitted in the NRI category and the said admissions ought to be cancelled.

Issue notice of motion confined to this relief for 14.9.2007.

It has also been pointed out that if admission of illegally admitted candidates was cancelled, the petitioners might have a chance of getting admitted in general category on their merit.

This aspect will also be considered.”

Inspite of time taken and opportunity granted, the University has not filed any reply. However, it has been orally explained that some candidates have been given admissions who were lower in rank to the petitioner before receipt of intimation about amendment in the policy of the State Government and on August 1, 2007, decision was taken not to give any further admissions for NRI sponsored seats.

Stand of respondent No.5, one of the candidates, who has been given admission is that he took the admission in NRI sponsored quota in good faith.

We have heard learned counsel for the parties and perused the record.

In order dated 24.7.2007 in CWP No.10097 of 2007 (**Sohrab Arora v. State of Punjab and others**), the issue whether NRI sponsored candidates could be given admission, was considered in the light of judgment of the Hon'ble Supreme Court in **P.A.Inamdar** (supra). On notice being issued to the State of Punjab, affidavit dated 13.7.2007 was filed. The State itself took the stand that reservation for NRI sponsored candidates was not permissible in law. Deletion of the said category was challenged in CWP No.10968 of 2007 (**Dr. Gurtaj Singh v. state of Punjab and another**), CWP No.10961 of 2007 (**Ismat Vijay Singh v. State of Punjab and others**) and CWP No.10486 of 2007 (**Dr. Shikha Aggarwal v. State of Punjab and others**), decided on 24.7.2007 and the same was upheld.

Accordingly, admissions given after 13.7.2007 when the State Government itself deleted reservation in NRI sponsored quota being violative of law laid down by the Hon'ble Supreme Court in **PA Inamdar** (supra), we have to hold the admissions given by respondent No.2 under NRI category to those who are not NRIs as per judgment of the Hon'ble Supreme Court in **P.A.Inamdar** (supra) to be illegal. If the private respondents who have been given admissions, are allowed to continue, even though,

in merit they are lower to the petitioners, this will be violation of Article 14 of the Constitution, the admissions being unconstitutional, void and against the law laid down by the Hon'ble Supreme Court as well as policy of the State Government duly notified.

Accordingly, we allow this petition and direct respondent No.2 to pass further consequential orders in accordance with law.

(ADARSH KUMAR GOEL)
JUDGE

September 28, 2007
'gs'

(AJAI LAMBA)
JUDGE