

(5) Lastly, it was contended by Mr. Bali that 10 per cent reservation for the teachers of the Colleges affiliated to the University in Haryana was bad. We are not called upon on the present set of facts to determine that question academically.

(6) For the foregoing reasons, this petition fails and is hereby dismissed. There shall be no order as to costs.

R.N.R.

Before M. M. Punchhi and Ujagar Singh, JJ.

MANU BHANDARI,—Petitioner.

versus

PANJAB UNIVERSITY,—Respondent.

Civil Writ Petition No. 6460 of 1988

September 6, 1988.

*Constitution of India, 1950—Art. 14—Admission to LL.B. course—10 per cent weightage to candidates graduating from same University—Institutional preference—Such weightage—Whether can be given.*

*Held*, that 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. 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. Hence, it has to be held that such weightage on the basis of institutional preference can be validly given.

(Para 3).

*Petition under Articles 226 of the Constitution of India praying that:—*

- (a) *that a writ of Mandamus may be issued directing the respondent to admit the petitioner in LL.B. First Year morning Course in the Panjab University and the respondent*

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*may be further directed that they should not give weightage of ten percent of marks to the students who have passed qualifying Examination from Panjab University beyond 75 per cent of the seats from General Categories.*

(b) *Cost of the petition may be allowed.*

(c) *that filing of attested copy of annexure P/1 may kindly be allowed.*

Civil Misc. No. 9842 of 1988.

*Application under section 151 C.P.C. praying that the respondent may be directed to admit the petitioner provisionally in LL.B. 1st Year Course Morning in Panjab University till the decision of the writ petition or in the alternative one seat may be kept vacant till the decision of the writ petition.*

H. S. Sethi, Advocate, for the Petitioner.

J. L. Gupta, Senior Advocate with Subhash Ahuja, Advocate, for the Respondent.

#### JUDGMENT

M. M. Punchhi, J. (Oral)

(1) 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 percent 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*.

R.N.R.

Before A. P. Chowdhri, J.

MIYA SINGH,—Petitioner.

*versus*

M/S HARYANA ROADWAYS, KATHAL AND ANOTHER,—  
Respondents.

Civil Writ Petition No. 3025 of 1987

September 14, 1988.

*Industrial Disputes Act (XIV of 1947)—S. 33—C(2)—Workman claiming back wages for period between termination and reinstatement by an Award of Labour Court—Award silent as to relief of back wages—Claim for back wages—Whether maintainable in proceedings under section 33—C(2)—Scope of section 33-C(2) discussed.*

*Held*, that after the amendment by Act 36 of 1964, there are two parts of sub-section (2) of S. 33-C of the Industrial Disputes Act, 1947. The first part is concerned with the money claimed simpliciter and the second part speaks about computation in terms of money and, if any, benefit of which the workman is entitled. On a plain reading of the wording of the statute, it would appear that where any workman is entitled to receive from his employer any money and if any question arises as to the amount of money, then the question may be decided by the Labour Court. In other words, the Labour Court under section 33-C(2) is competent to entertain claims and determine them *de hors* settlement or award.

(Para 10)