

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025 PHHC 010074-DB



Civil Writ Petition-PIL No. 36-2021 (O&M)

Date of Decision: 23.01.2025

Youth for Equality and othersPetitioners

versus

State of Haryana and anotherRespondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL, JUDGE**

Present : Mr. Ashok Kumar Nabhewal, Advocate with
Ms. Gauri Sharma, Advocate, for the petitioners.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

This petition has been filed in the shape of a Public Interest Litigation primarily assailing the constitutional vires of the Haryana Backward Classes (Reservation in Services as Admission in Educational Institutions) Act, 2016, including the issue of the said Act resulting in reservation in excess of 50% cap mandated by the Apex Court in its celebrated decision of *Indra Sawhney vs. Union of India 1992 Suppl. (3) SCC 217* and subsequent decisions.

2. It is not disputed at the Bar that the same very Act of 2016 was assailed before a Coordinate Bench of this Court and the same was upheld vide judgment dated 01.09.2017 passed in Civil Writ Petition No. 9931 of 2016 (*Murari Lal Gupta vs. State of Haryana*) and the directions passed therein are as follow: -

“(i) the 2016 Act is upheld and sustained;

(ii) however, the Haryana BC Commission shall carry out an exercise to determine the extent of reservation, if any, to which the castes mentioned in Schedule III of the 2016 Act are entitled to and also the quantum of reservation provided for them;

(iii) the State Government shall place before the Haryana BC Commission the quantifiable data amongst other things, besides, the Haryana BC Commission itself would be at liberty to seek the data, information, as may be required by it from the State Government, the Welfare of Scheduled Castes and Backward Classes Department and/or any other department;

(iv) any stake-holder or any person interested shall be at liberty to place the material before the Haryana BC Commission in this regard;

(v) the State Government, the Welfare of Scheduled Castes and Backward Classes Department and/or any other department as also any other stake-holder or interested person may submit data for or against the reservation before the Haryana BC Commission by 30.11.2017;

(vi) the State Government shall make due and wide publication for submitting the data to the Haryana BC Commission by the said date;

(vii) the data furnished shall be put by the Haryana BC Commission on its website;

(viii) any person desirous of raising any objection to the data shall file the same by 30.12.2017;

(ix) the Haryana BC Commission shall make its report by 31.03.2018;

(x) the State Government, on receipt of the report of the Haryana BC Commission, shall take decision on the same;

(xi) till such time the exercise is complete the benefit of reservation in services and in admissions for the Backward Classes in Schedule III to the 2016 Act shall be kept in abeyance.”

3. It is also not disputed at the Bar that the question of breach of cap of 50% reservation was also dealt with by the coordinate Bench in the aforesaid decision rendered in Murari Lal Gupta's case (supra). It is also not

disputed by learned counsel for the rival parties that the said decision of *Murari Lal Gupta vs. State of Haryana (supra)* is challenged before the Apex Court in Civil Appeal No. 2261 of 2018 (*Satvir Singh Saini and another vs. State of Haryana and others*) is pending consideration till date.

4. In view of the above, to avoid multiplicity of litigation and conflicting orders, this Court deems it appropriate to dispose of this petition without entering into the merits of the petition and leave it for the Apex Court to adjudicate upon the issue involved.

5. Disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

23.01.2025

ravinder

Whether speaking/reasoned	✓Yes/No
Whether reportable	Yes/No✓