

**Government of Haryana
General Administration Department
General Services-III Branch**

No. 22/10/2013 -IGSIII

Dated Chandigarh, the 28th October, 2016

To

1. All the Administrative Secretaries to Government Haryana.
2. All Heads of Departments in the State of Haryana.
3. The Commissioners, Ambala/ Hisar/ Rohtak/ Gurgaon Division.
4. All the CAs/MDs of all Boards/Corporations/Public Sector Undertakings in Haryana.
5. The Registrar General of Punjab & Haryana High Court, Chandigarh.
6. All the Deputy Commissioners in the State of Haryana.
7. All the Sub Division Officers (Civil) in the State of Haryana.
8. The Registrars of all the Universities in the State of Haryana.

Subject: Grant of reservation to Economically Backward Persons belonging to General Category in Jobs under Government/ Government Undertakings & Local Bodies as well as in admission in Government/ Government aided educational/ technical/ Professional institutions.

Sir/Madam,

I am directed to invite your kind attention to the Government instruction issued vide No. 22/10/2014-IGSIII, dated 15.07.2014 and notifications issued by Welfare of Scheduled Castes and Backward Classes Department vide No. 59 SW(I)- 2013, dated 23.01.2013 and No. 733 SW (I)-2013, dated 27.09.2013 vide which it was decided to grant 10% reservation to Economically Backward Persons belonging to General Category in Jobs under Government/ Government Undertakings & Local Bodies as well as in admission in Haryana Government/ Government aided educational/ technical/ Professional institutions.

2. The Hon'ble Punjab and Haryana High Court vide orders dated 22.09.2016 passed in CWP No. 18514 of 2016- title as Kalindi Vashishtha Vs State of Haryana and others has stayed the operation of the above referred instructions dated 23.01.2013 and 27.09.2013. A copy of order dated 22.09.2016 may be downloaded from Government website i.e. www.csharyana.gov.in and www.haryana.gov.in for detailed information and necessary action.

Yours faithfully,



**Superintendent, GS-III Branch,
for Chief Secretary to Government Haryana**

INTERNAL DISTRIBUTION

Incharge NIC for hosting the above instructions on the State Government website.

CWP Nos. 18514 and 18323 of 2016

Kalindi Vashishtha v. State of Haryana and others

Present: Mr. Neeraj Gupta, Mr. Sumeet Goel, and
Mr. Yagyadeep, Advocates, for the petitioner(s).

Mr. K. S. Nalwa, Addl. Advocate General, Haryana.

Mr. Ramesh Hooda, Advocate for respondent No. 4.

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In terms of the order passed by this court on 19.9.2016, Director, Medical Education & Research, Haryana, Panchkula is present in person in court. He is apologetic of the fact that in the letter dated 9.9.2016 written by him to the Registrar, Pt. B. D. Sharma University of Health Sciences, Rohtak, text from the letter received from the office of Advocate General was referred to 'in quote' as the order passed by this court. He submitted that corrective steps have already been taken and the aforesaid letter has been substituted by a letter correctly specifying the order passed by this court.

The challenge in the present petitions is to 10% vertical reservation provided by the State in the educational institutions to Economically Backward Persons in General Category. In support of their plea, reliance has been placed upon a Division Bench judgment of Gujarat High Court in Writ Petition (PIL) No. 108 of 2016—Daayram Khemkaran Verma v. State of Gujarat and 1, decided on 4.8.2016, where challenge was to Gujarat Ordinance No. 1 of 2016 providing for reservation in educational institutions in favour of Economically Weaker Sections of unreserved categories. The same was quashed. Before Hon'ble the Supreme Court, Special Leave Petition against the judgment of Gujarat High Court has been admitted and following order has been passed:

“Permission to file the special leave petition is granted.
Leave granted.

The respondents have entered appearance on caveat.
They shall file counter affidavit(s) within four weeks.
Rejoinder affidavit(s), if any, may be filed within four weeks
thereafter.

Pending further orders, we direct that the admissions
made to any educational institution prior to the pronouncement
of the impugned order shall not be disturbed. We make it clear
that since the impugned Ordinance has been struck down by the
High Court, no further action towards implementation of the
reservation made under the said Ordinance can be taken qua
education and service matters.

Hearing expedited.

The appeals shall now be listed before a three Judge
Bench.”

Despite opportunity, replies to the petitions have not been filed
by the State.

Considering the aforesaid development, the interim order dated
8.9.2016 passed by this court is modified to the extent that no admissions on
the basis of notification/instructions issued for providing reservation to
Economically Backward Persons in General Category shall be made for the
session in question and onwards. Even the candidates who have already
been admitted on the basis of reservation for Economically Backward
Persons in General Category in pursuance to the order passed by this court

on 8.9.2016 will not be entitled to the benefit thereof, as even the process of admission is still in progress and classes have not yet commenced. While permitting admissions on the basis of impugned reservation policy on 8.9.2016, this court had specifically directed that they be informed of the order passed by this Court. The University shall be permitted to carry out fresh counselling, if required.

Adjourned to 20.1.2017.

A photo copy of the order be placed on the file of connected petition.

(Rajesh Bindal)
Judge

(Darshan Singh)
Judge

22.9.2016
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