

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4909 of 2010
Date of Decision : 5.12.2013

Hemant Goswami Petitioner

Versus

Union of India and others Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- None for the petitioner.

Mr. Sanjay Kaushal, Senior Standing Counsel, with,
Mr. Vikas Suri, Advocate, for respondents No. 3 and 4.

Mr. M.L. Sarin, Senior Advocate, with,
Ms. Alka Sarin, Advocate, for Delhi Public School, Sector-40,
Chandigarh.

Mr. Rupinder S. Khosla, Advocate,
for St. Joseph's Educational and Charitable Trust, Chandigarh.

Mr. Puneet Bali, Senior Advocate, with,
Mr. Vibhav Jain, Advocate.

Mr. Sanjiv Peter, Advocate.

SANJAY KISHAN KAUL, CHIEF JUSTICE (ORAL)

On hearing learned counsels for the parties, the petition is disposed
of in the following terms :-

- (i) In view of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'the said Act') having come into force, the reservation for the economically weaker section of the society would be governed by the provisions of the said Act ;
- (ii) The extent of reservation, where land has been provided at concessional rates, would not exceed the total reservation of 25% ;

- (iii) The compensation under the said Act would be vis-a-vis the extent of over and above the reservation made while grant of land at allegedly concessional rate, if so envisaged, in the documents ;
- (iv) As to how compensation has to be paid, if at all, vis-a-vis the extent of reservation while making allotment of land at concessional rate is an aspect which will be decided by the U.T. of Chandigarh, at the stage when the individual schools make an application seeking re-compensation on account of the reserved seats.

Petition accordingly stands disposed of in aforesaid terms.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

5.12.2013
sjks