



The civil appeals are disposed of.

[ Alka Dudeja ]  
Court Master

[ Neeru Bala Vij ]  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4640 OF 2007  
(Arising out of S.L.P. (C) No.13005 of 2007)

Himachal Education Promotion Society & Anr. ...Appellant(s)

Versus

State of Himachal Pradesh & Anr. ...Respondent(s)

WITH

CIVIL APPEAL NO.4641 OF 2007  
(Arising out of S.L.P. (C) No.13581 of 2007)

O R D E R

Leave granted.

In the State of Himachal Pradesh, Himachal Pradesh University granted affiliation to various colleges, which are 67 in number, for giving admission to the B.Ed. course. The University also controls the process of admission to the B.Ed. course. The University has issued a prospectus wherein the admission to the B.Ed. course was restricted to the students, who were bona fide residents of the State of Himachal Pradesh. The students, who obtained the degrees and are not residing in the State of Himachal Pradesh, moved the High Court for allocation of the quotas to outside students challenging hundred per cent reservation. The students and one of the affiliated colleges approached the High Court in

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writ petition challenging hundred per cent reservation. The High Court by its judgment dated July 6, 2007, has held that keeping in view the law laid down by the Apex Court, the hundred per cent reservation for bona fide Himachalis is arbitrary and violative of Article 14 of the Constitution of India and that such reservation cannot exceed eighty five per cent and atleast fifteen per cent seats must be kept open to the candidates from anywhere in the country. The High Court was faced with the question as to how the admission can be given in fifteen per cent quota to outside candidates this year and held that fifteen per cent quota for outside State students shall be applied from next year since the process of admission has already been completed.

It has been brought to our notice that one of the eligibility condition for admission to the B.Ed. course was thirty five per cent of marks in the entrance test. However, by a circular issued by the University on 5th September, 2007, the condition of thirty five per cent marks, that is, 53 marks out of 153 marks in entrance test was waived. On account of waiver, the minimum qualification marks in the entrance test conducted this year for admission of students to the B.Ed. course and consequently holding of entrance test has lost its relevance. Apart from this, the State of Himachal Pradesh and the Himachal University

have not preferred any special leave petition against the judgment of the High Court whereby the High Court has not accepted hundred per cent reservation on the ground of domicile. Thus, giving fifteen per cent quota to the outside candidates has been accepted by the University as well as by the State, there being no challenge to the judgment of the Himachal

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Pradesh High Court. In these circumstances, submission is made by the learned counsel for the appellants that fifteen per cent quota for the outside students may be made available in this year itself and should not be deferred to next year, as directed by the High Court. Considering the fact that under the circular issued on 5th September, 2007, no entrance test is required for giving admission to the outside students for admission to the B.Ed. course and considering the fact that there is sufficient time for completing the process of admission in the fifteen per cent quota to the outside students, we direct that the University shall issue an advertisement inviting applications from outside State students for admission to the B.Ed. course in various colleges affiliated to the University for imparting education for B.Ed. course by issuance of advertisement in the national news papers by 11 th October, 2007. The last date to submit the forms would be 20th October, 2007. After the scrutiny of the admission forms, the University shall undertake counselling, which shall be completed by 30th October, 2007, and eligible students will be allocated different colleges for their admissions by 2nd November, 2007, so that the entire process of admission would be completed by that date.

With the above directions, the order of the High Court is modified and the appeals stand disposed of.

.....J.  
[P.P. NAOLEKAR]

.....J.  
[D.K. JAIN]

New Delhi,  
October 04, 2007.