

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.20517 of 2011

Date of Decision : November 04, 2011.

Kiran and others

.....*Petitioners*

versus

State of Haryana and others

.....*Respondents*

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr.Mahender Singh Chahal, Advocate, for the petitioners.

--:-

1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The petitioners belong to different reserved categories. It appears that they are appearing in the HTET-2011 scheduled to be held on 5/6.11.2011. They seek a mandamus to direct the State of Haryana to grant relaxation/concession in qualifying marks from 60% to 45%. This relief has been sought on the premise that such a relaxation was available in the examinations held in the years 2008-2009. The petitioners have approached this Court even without approaching the Authorities first.

In my considered view, the present writ petition is pre-mature for more than one reasons. Firstly, the examination is yet to take place and it is not known as to how many reserved category candidates will receive 60%

or above marks to be available upto the desired strength; secondly, the relaxation involves a policy decision which ordinarily falls within the domain of the policy makers; thirdly, indulgence of a writ court would be justified only if the Executive fails to apply relaxation policy uniformly to the similarly placed reserved category candidates in a non-discriminatory manner, fourthly, no mandamus can be issued unless the claim is firstly raised before the authority who is competent to grant such relaxation.

The writ petition is accordingly disposed of at this stage as pre-mature with liberty to the petitioners to make a representation before the State Government, who shall then consider their claim sympathetically in accordance with the State policy.

Ordered accordingly.

Dasti.

November 04, 2011

Mohinder

(SURYA KANT)
JUDGE