

IN THE SUPREME COURT OF HARLINDON
PUBLIC INTEREST LITIGATION
WRIT PETITION (CIVIL) NO. __ OF 2025

IN THE MATTER OF:

Mr. Peter, S/o Mr. X, Resident of Y,
Endor Tribe, Harlindon Petitioner No. 1

Mr. Edmund, S/o Mr. Z, Resident of W,
Endor Tribe, Harlindon Petitioner No. 2

Prof. Samwise, Resident of Lake-town,
Professor, Dale State University Petitioner No. 3

VERSUS

State of Dale & Others Respondents

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IN THE HON'BLE SUPREME COURT OF HARLINDON

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO. ____ OF 2025

IN THE MATTER OF:

A Public Interest Litigation filed under Article 32 of the Constitution of Harlindon for enforcement of Fundamental Rights under Articles 14, 15, and 19.

Mr. Peter & Ors. Petitioners

VERSUS

State of Dale & Ors. Respondents

MEMORIAL ON BEHALF OF THE PETITIONERS

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LIST OF ABBREVIATIONS

Abbreviation	Full Form
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DSU	Dale State University
OSE	Open School Examination
HSLE	High School Leaving Examination
PIL	Public Interest Litigation
SC	Supreme Court
MA	Master of Arts
BA	Bachelor of Arts

INDEX OF AUTHORITIES

1. Constitutional Provisions

- Article 14 – Right to Equality
- Article 15 – Prohibition of Discrimination
- Article 19(1)(a) – Freedom of Speech and Expression
- Article 19(1)(b) – Freedom of Peaceful Assembly

2. Cases Cited

- E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555
- Kameshwar Prasad v. State of Bihar, AIR 1962 SC 1166

I. STATEMENT OF JURISDICTION

The Petitioners invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of Harlindon for enforcement of their fundamental rights under Articles 14, 15 and 19.

II. STATEMENT OF FACTS

1. Harlindon is a sovereign, socialist, secular and democratic republic. It shares identical constitutional provisions with India.
2. The Endor tribe, one of seven in Harlindon, has faced historic oppression, poverty, and systemic exclusion.
3. Dale State University (DSU), a public university in Lake-town, issued employment notifications on 6 and 7 January 2025, reserving posts for Endor and other marginalised tribes but disqualifying candidates with degrees from open schools and universities.
4. Mr. Peter, an Endor tribal with an M.A. in History from Hobbition Open University, was rejected for the post of Assistant Professor.
5. Mr. Edmund, also Endor tribal, passed the Open School Examination (OSE) and applied for Peon, but was rejected.
6. Prof. Samwise, a renowned academic at DSU, protested the disqualification. He was suspended on 27 January 2025.
7. All three filed writ petitions before this Hon'ble Court. The matters were clubbed for final adjudication.

III. STATEMENT OF ISSUES

Issue 1: Whether the exclusion of individuals holding qualifications from open schools and open universities under the employment notifications of 6 and 7 January 2025 violates Article 14?

Issue 2: Whether such exclusion violates Article 15?

Issue 3: Whether the suspension of Prof. Samwise violates Article 19(1)(a) and 19(1)(b)?

IV. SUMMARY OF ARGUMENTS

1. The impugned notifications discriminate against marginalised communities by invalidating open and distance education, violating the right to equality under Article 14.
2. The exclusion is disproportionately affecting the Endor tribe, contravening Article 15's prohibition on discrimination on grounds of tribe and social background.
3. Prof. Samwise's suspension is arbitrary, violating his rights to freedom of speech and peaceful assembly under Article 19.

V. ARGUMENTS ADVANCED

ISSUE 1: VIOLATION OF ARTICLE 14

1. **Arbitrary Classification:** The notifications disqualify individuals solely based on the mode of education (open/distance), lacking any intelligible differentia.
2. **No Rational Nexus:** The disqualification does not rationally relate to the objective of selecting meritorious candidates, especially when reservation is granted to the same category.
3. **Judicial Precedent:** In *E.P. Royappa v. State of Tamil Nadu*, the Supreme Court held that arbitrariness is antithetical to equality.
4. **Case Facts:** Mr. Peter is the first graduate from his village, with meritorious academic performance. Rejecting his application based on mode of education is violative of equal opportunity.

ISSUE 2: VIOLATION OF ARTICLE 15

1. **Indirect Discrimination:** Though facially neutral, the notifications disproportionately impact individuals from marginalised tribes like the Endor.
2. **Constitutional Mandate:** Article 15(4) and 15(5) mandate affirmative action for socially and educationally backward classes.
3. **Open Schooling as a Tool of Inclusion:** Open and distance education is designed to uplift disadvantaged sections. Penalising it defeats the object of reservation.
4. **Case Facts:** Mr. Edmund completed equivalent qualifications (OSE) but was denied opportunity, undermining the spirit of affirmative action.

ISSUE 3: VIOLATION OF ARTICLE 19

1. **Freedom of Expression:** Prof. Samwise's peaceful protest is constitutionally protected under Article 19(1)(a).
2. **Freedom of Assembly:** The protest was non-violent and during official hours, falling within Article 19(1)(b).
3. **No Disruption of Duties:** He had no class scheduled; the protest did not impede

university functioning.

4. Precedent: In *Kameshwar Prasad v. State of Bihar*, peaceful protest by a government servant was upheld as constitutional.

VI. PRAYER

In light of the above, the Petitioners humbly pray that this Hon'ble Court may be pleased to:

1. Declare the employment notifications dated 6 and 7 January 2025 as unconstitutional.
2. Direct DSU to allow candidates with open and distance qualifications to apply for said posts.
3. Quash the suspension order of Prof. Samwise.
4. Pass such other and further orders as this Hon'ble Court may deem fit in the interest of justice.

Respectfully submitted,

Counsel for the Petitioners

