

Court No. - 10

Case :- WRIT - C No. - 30849 of 2023

Petitioner :- Kumari Aliza(Minor)

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Geetam Singh

Counsel for Respondent :- A.S.G.I.,Abrar Ahmad

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Gautam Singh, learned counsel for the petitioner, Sri Abrar Ahmad, learned counsel for the respondent no.1 and Sri Shashank Shekhar Singh, learned counsel for the respondents no.2 and 3.

2. The petitioner claims admission in Class-I of an institution affiliated to Aligarh Muslim University, Aligarh.

3. The submission is that the petitioner's name appeared in the Chance Memo prepared by the respondents at Sl. No.26 and thereafter another memo titled as "List of Candidates Provisionally called for counselling under Special Category for admission to Class I- Girls (English Medium)" was prepared in which the name of the petitioner did not appear, however, the said memo contains those candidates also who were included in the chance memo prepared earlier and, therefore, the respondents have wrongly denied admission to the petitioner.

4. Sri Shashank Shekhar Singh, learned counsel for the University, on the basis of instructions, has vehemently opposed the writ petition and submits that admittedly the petitioner does not belong to special category and, even otherwise, the petitioner being included in the waiting list at Sl. No.26, the candidates upto Sl. No.12 have been admitted in the General Category to which the petitioner belongs and the entire waiting list stands exhausted and no relief can be granted to the petitioner.

5. Learned counsel for the petitioner submits that the respondents have not denied admission in writing assigning reasons, although the petitioner has moved an application on 15.07.2023 before the Vice Chancellor of the University.

6. Considering the facts and circumstances of the case and the discretionary power for such admission which has to be exercised in accordance with law depending upon the category of the

candidate concerned, the writ petition is **disposed of** permitting the petitioner to approach the respondent no.3 (Controller, Aligarh Muslim University, Aligarh) by moving appropriate application along with certified copy of this order **within three weeks** from today.

7. In case such an application is filed, an appropriate order in accordance with law shall be passed **by the end of December, 2023.**

8. It is made clear that that this Court has not issued any positive direction for according admission to the petitioner and it shall be examined by the respondent no.3 in accordance with law.

Order Date :- 2.11.2023
AKShukla/-