

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No. 5447/2013

% **10th February, 2015**

ASHOK KUMAR Petitioner
Through: Mr.Umesh Sharma, Advocate.

versus

HINDU COLLEGE Respondent
Through: Mr.Anurag Mathur, Advocate.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition the petitioner seeks the relief of direction to the employer/respondent/Hindu College to follow the reservation policy in allotment of staff quarters to class III employees and consequently to allot staff quarter 'C-III/I' to the petitioner who falls in the SC quota.

2. The case of the petitioner is that the respondent/College as per its letter dated 21.2.2006 itself admits that as per the roster point system for type-II category flats, the 10th, 20th, 40th and 50th point will be for SC employees and 30th and 60th will be for ST employees, and since the 10th point allotment of the staff quarter has to go to an SC employee, the petitioner is entitled to the subject flat.

3. There are two aspects which are required to be addressed for deciding this petition. The first aspect is as to whether the quarter in question is a type-III quarter or the same is a type-II quarter, inasmuch as the petitioner claims that it is a type-II quarter, whereas, the respondent/College claims that it is a type-III quarter. The second aspect is as to whether even taking the quarter as a type-II quarter, whether as per the roster point register, the subject quarter falls for allotment to an SC category candidate.

4. A reference to the counter-affidavit filed by the respondent/College shows that as per the policy of allotment of flats, a total of 5% of the type-III quarters are to be reserved for SC/ST candidates. The respondent/College has in all four type-III staff quarters, and therefore one quarter has been reserved for SC/ST candidate in view of the 5% quota. As per the counter affidavit there is already allotted a type-III category quarter to one Sh.Arvind Kumar Verma who is working as a Section Officer (Accounts) and who falls in the SC category. Therefore, the employer/respondent states that there cannot be another reservation of a type-III staff quarter for another SC candidate till the vacation of the quarter by Sh.Arvind Kumar Verma. Also, the respondent/College states that the quarter in question is a type-III quarter and not a type-II quarter as is being alleged by the petitioner and

which was the subject matter of the letter of the respondent/College dated 21.2.2006.

5. The petitioner however in the rejoinder-affidavit insists that the quarter in question is a type-II quarter and not a type-III quarter, and that the allotment made to Sh.Arvind Kumar Verma was not the allotment in the SC/ST category, and for which purpose reference is drawn to the letter of the respondent/College dated 26.12.2011.

6. In my opinion, there is no merit in the writ petition for the reason that besides the fact that the petitioner has not filed any proof with the writ petition that the quarter in question is a type-II quarter, and not a type-III quarter, in fact the letter relied upon by the petitioner itself dated 26.12.2011 states that the allotment to Sh.Arvind Kumar Verma is of a type-III quarter. Therefore, Sh.Arvind Kumar Verma was allotted a type-III quarter and not a type-II quarter as is being claimed by the petitioner. Also, merely because in the letter dated 26.12.2011 it is not written that Sh.Arvind Kumar Verma is allotted the quarter from the SC/ST category cannot take away the fact that, admittedly Sh.Arvind Kumar Verma falls in the SC/ST category, and therefore allotment of the quarter to him will be in terms of the 5%

reservation, and which quota stands fulfilled by allotment by the respondent/College of the quarter to Sh.Arvind Kumar Verma.

7. In view of the above, since the quarter for allotment claimed by the petitioner is neither type-II category flat as is alleged, and further that the category of type-III flat for SC/ST candidate is already satisfied on account of allotment to Sh.Arvind Kumar Verma, an SC candidate, the petitioner cannot claim allotment of the subject Type-III quarter in the reserved category.

8. Dismissed.

FEBRUARY 10, 2015
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VALMIKI J. MEHTA, J