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

+ W.P.(C) 5444/2016 & CMs No.22661-63/2016

PANKAJ DAS

..... Petitioner

Through : Mr. Kushagra Pandey with
Mr. Abhinav Raghuvanshi, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through : Ms. Suparna Srivastava with
Mr. Raghav Kapoor, Advocates for R-1.
Mr. Apoorv Kurup, Advocate for R-2.
Mr. Anil Soni with
Mr. Naginder Benipal, Advocates for R-3
Mr. Mohinder J.S. Rupal with
Ms. Simran Jeet, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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02.06.2016

1. The petitioner has filed the present petition praying *inter alia* for directions to the respondent No.2/UGC to wholly implement its decision taken in the 498th Meeting dated 27.2.2014 and give a relaxation of 5% in the qualifying marks to OBC candidates (like the petitioner herein) for direct recruitment to teaching posts in the Delhi University. Additionally, the petitioner prays for directions to the effect that Regulation 3.4.1 of the UGC on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measurers of the Maintenance of Standards in Higher Education (3rd Amendment), Regulations, 2016, may be read to include OBC (non-creamy layer)

candidates in the category of SC/ST/PWD candidates for the benefit of relaxation of 5% in the qualifying marks for direct appointment to teaching posts.

2. Having regard to the nature of relief prayed for by the petitioner, this Court is not inclined to entertain the petition as granting such a relief would virtually amount to issuing a writ of mandamus to the respondents to legislate with regard to the qualifications for appointment to the post of teachers and other academic staff in the University, which the Court must abstain from doing by invoking its discretionary powers under Article 226 of the Constitution of India.

3. After continuing to addressing arguments at some length, learned counsel for the petitioner states that instead of pressing the present petition, he may be permitted to withdraw the same, while reserving the right of the petitioner to file a substantive representation before the respondent No.2/UGC in respect of the pleas taken in prayers (a) and (b) of the writ petition.

4. Needful shall be done within two weeks. Upon receiving such a representation from the petitioner, the respondent No.2/UGC shall consider the same and pass a speaking order within four weeks from the date of receipt thereof, under written intimation to him.

5. The writ petition is disposed of, along with the pending applications.

JUNE 02, 2016

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HIMA KOHLI, J