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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6183/2012, CM No. 16615/2012

RAKSHA GUPTA

..... Petitioner

Through: Mr. K. Venkatraman, Adv.

versus

GOVT. OF NCT AND ORS

..... Respondent

Through: Mr. Satyakam, ASC for R-1, 2 & 4
Ms. Disha Malhotra, Adv. for Mr.
Mohinder J.S. Rupal, Adv. for R-
3/University of Delhi

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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23.03.2017

1. The present petition has been filed by the petitioner with the following prayers:-

“In view of the aforesaid facts and circumstances of the case, it is, most respectfully prayed that this Hon’ble Court may graciously be pleased to:

(a) issue appropriate order/writ declaring that the certificate issued by the office of Dy. Commissioner, South District, Delhi dt. 27.12.2011 is a valid certificate for the purpose of continuing her admission to 2nd year in the Bachelor of Pharmacy Course in the Delhi Institute of Pharmaceutical

Sciences and Research, Govt. of NCT of Delhi;

(b) issue appropriate writ in the nature of writ of mandamus or any other writ directing the respondents to allow the petitioner to continue her study in the second year in the Bachelor of Pharmacy Course (Through Lateral Entry after passing Diploma in Pharmacy) as an OBC candidate of the respondent No.2 institute without insisting the certificate of residence proof prior to 8.9.1993 from the office of deputy commissioner and without insisting on a certificate to be obtained as per format annexed as Annexure P-1 inasmuch as the condition of obtaining OBC Certificate and permit to pursue the course till the completion of the said diploma of pharmacy in the OBC category of respondent No.2 institution, alternatively, without prejudice;

(c) issue appropriate directions to the respondent No.4 to issue certificate in the format desired by respondent No.2 without insisting on prior proof of residence of Delhi prior to 08.09.1993 and accept the proof of residence of the petitioner as on April 2000 for the purpose of continuing her education in the second year of Bachelor of Pharmacy course in respondent No.2 institute in OBC category;

(d) Pass such other and further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. It is the case of the petitioner that the respondents must consider the

certificate of OBC issued to the petitioner as a valid certificate for the purpose of admission to the 2nd year B.Pharmacy course, through lateral entry after passing Diploma in Pharmacy.

3. I have been informed that on the strength of the interim order dated September 28, 2012, the petitioner was allowed to attend her classes, write the exams and complete the B. Pharmacy Course. I am also informed that pursuant to the qualification of B. Pharmacy acquired by the petitioner from the respondent No.2 Institute, she has secured admission in M. Pharma (Clinical Research Course) in the same Institute, on the basis of general merit.

4. On the other hand, Mr. Satyakam, learned counsel appearing for the respondents would justify the decision on the strength of the judgment reported as ***2012 (132) DRJ 169 (FB) Deepak Kumar and Ors v. District and Sessions Judge, Delhi & Ors***, wherein the Full Bench had come to the conclusion that OBC certificate issued by one State Authority or in respect of a resident of a State with his origins in that State would be inadmissible in another State or Union Territory for purposes of employment etc.

5. Noting the submission that the petitioner, on the strength of the interim order passed by this Court on September 28, 2012 has completed the

B. Pharmacy Course and also secured admission in M. Pharma Course in the same Institute on general merit, this Court is of the view, it would be inequitable at this stage, to set to naught, the qualification acquired by the petitioner more particularly when she has progressed further in her career by securing admission in M. Pharma Course on the strength of general merit, more so, when no conditions were attached / put by this Court while passing order dated September 28, 2012. Keeping the question of law open, the Petition and the connected application, are disposed of as such.

V. KAMESWAR RAO, J

MARCH 23, 2017/ak