

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7728/2017 & C.M. No.31911-12/2017**
SAKET ANURAG

..... Petitioner

Through Mr. P.S. Soran, Adv.
versus
UNION OF INDIA & ORS.

..... Respondents

Through Mr. Arun Bhardwaj, CGSC for UOI.
Ms. Ekta Sikri and Mr. Jasbir Bidhuri,
Adv. for R-2.
Mr. Mohinder J.S. Rupal and Mr.
Prang Newmai, Adv. for DU.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **01.09.2017**

1 The petitioner seeks quashing of the Notification dated 17.07.2017 issued by Guru Gobind Singh Indraprastha University.

2 The petitioner after successfully completing his CBSE examination had appeared in the NEET examination held by the CBSE. He had ranked 22607. Admittedly a joint counselling was held by respondent No. 2 (Indraprastha University) and respondent No.3 (Delhi University). As per the rank of the petitioner, he had been allotted a seat at a college affiliated to respondent No.3. The petitioner was a candidate who had been granted a reservation in CW category VI of respondent No. 1. Respondent No.3 however refused to allot him a seat in their college. Their submission was that they do not recognize priorities of CWWAPP (Children/Widows/Wards of Armed/Para-Military Personnel) of priority V. The petitioner had

accordingly been denied admission. He was constrained to file the present writ petition.

3 Respondents have put in appearance. It is not in dispute that a joint counselling was held by respondents No. 2 & 3 qua the candidates who had qualified in the NEET examination (including the petitioner). As per the rank of the petitioner (22607), the petitioner had obtained a seat in a college affiliated to the Delhi University (respondent No.3). The stand of respondent No.3 is that it only recognizes the first five categories of the CWWAPP. Categories VI & VII are not recognized by the Delhi University.

4 The case of the petitioner is that he falls in category VI i.e. being a ward of an ex-servicemen. Submission of the petitioner is that respondent No.3 is bound to accept this category VI as this is the recommendation of respondent No. 1 (Ministry of Defence). Attention has also been drawn to a judgment delivered by a Division Bench of this Court in W.P. (C) No.5921.2012 Shivam Shresthi Vs. Union of India & Others delivered on 31.01.2013 wherein although the stand of the Union of India was that a recommendation qua the aforementioned categories is only directory and not mandatory yet a large number of institutes are following this practice. A direction had been given to the State Government to examine this issue. Submission is that in the light of the aforementioned judgment, the Delhi University should reconsider the case of the petitioner.

5 Respondent No.3 has refuted this submission. Submission being that the right of respondent No.3 to independently arrive at a

conclusion that it may or may not recognise the aforementioned categories and Delhi University not recognizing categories VI & VII of the defence personnel and only recognising category I to V is no longer res-integra as has been held by a Bench of this in the judgment in W.P. (C) No.4359/2013 Kriti Bhakuni (Minor) Vs. Union of India & Others delivered on 27.09.2013. The Single Judge in the said judgment had quoted the observations made by the Division Bench in this context which reads herein as under:-

“The Division Bench after taking note of the circular dated 17.11.2000 issued by the Government of India and also considering that DTU was an independent university not bound by the order passed by the Central Government, held that there was no command in the aforesaid communication of the Central Government to the said university to fill up 5% quota of defence personnel from amongst all the 7 categories and no fault can be found with the conscious decision taken by the university to exclude the last 2 categories. The order of the learned Single Judge was, therefore, set aside. In view of the aforesaid decision, petitioner who does not fall in category 1 to 5 which the Delhi University has accepted but falls in categories 6 or 7, which the said university did not accept and adopt, can have no benefit of the reservation made for the wards of defence personnel.”

6 Respondent No.3 was thus well within its mandate not to recognize all the 7 categories for the purpose of reservation for wards/widows of defence personnel; only the first 5 categories are being recognized by the Delhi University and the case of the

petitioner admittedly falling in category VI, it was the right of respondent No.3 to refuse admission to the petitioner.

7 It is also relevant to note that the petitioner (as per his rank) did not get admission in any of the college affiliated to respondent No. 2 (Indraprastha University) which recognizes category VI.

8 In this view of the matter, this Court finds no merit in this petition. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 01, 2017

A