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

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W.P.(C)No.1590/2016

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Date of decision : 23rd August, 2017

JANMITR FELLOWSHIP

..... Petitioner

Through : Mr. Ramesh Chand, Adv.

versus

THE CHANCELLOR, INDIRA GANDHI DELHI
TECHNICAL UNIVERSITY FOR
WOMEN & ORS

..... Respondents

Through : Mr. Sanjoy Ghose, ASC
for R-1.

Mr. Ajay Pal Kullar,
Mr. Junai Nahvi and
Mr. Jasbir Bidhuri, Advs.
for R-4.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition makes the following prayers :

“(a) Direct to the respondent no.2 for implementation of the provisions of Indira Gandhi Delhi Technical University for Woman Act 2012 and follow the same and give the proper reservation to the reserved category candidates of the belonging female genders, in view of the above stated facts and circumstances and grounds as stated in the present PIL

petition and;

(b) direction may kindly be given to the respondent no.1 to re-check all the admissions in the programmes where reservation policy has not been followed by the respondent no.2 and may kindly be directed to the respondent no.2 to get the fresh admissions in the university as per law.

(c) re-check/cancel all the admissions of male gender candidates, which are not valid as per law in the respondent no.2/university and direct to the respondent no.1 to conduct the enquiry of the respondent no.2 as per the law, and take disciplinary action against the respondent no.2. And;

(d) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

2. Pursuant to the notice issued by this court, the respondent nos.1 to 3 has filed a counter affidavit giving a factual narration. To the extent necessary, we note the same hereafter.

3. The writ petition informs us that respondent no.2 was earlier only a constituent college of the Guru Gobind Singh Indraprastha University, Dwarka (respondent no.4 herein) till 30th April, 2003.

4. Pursuant to the enactment of Indira Gandhi Delhi Technical University for Women Act, 2012, enacted by Legislative Assembly of Delhi, the respondent no.2 - the Indira Gandhi Delhi Technical University for Women was constituted as a full-fledged University.

5. It is to be noted that the enactment and creation of respondent no.2 University was in order to ensure the welfare to the women in society and to enable admissions for their higher education so as to uplift their status.

The legislative intent was obviously to effectuate the mandate of Article 15(3) of the Constitution of India.

6. We are informed that the respondent no.2 is offering the courses of graduation, post graduation and Ph.D. in the university to women candidates and is also effectuating reservation based on the principles notified by the respondent no.4.

7. It appears that motivated by the intent to improve the qualifications possessed by its faculty, for the academic session 2014–15, the respondent no.2 erroneously admitted six males to the Ph.D programme. The error was however, realised and noted in the meeting held on 12th February, 2015 of the Board of Management of the University vide Agenda Item No.3.04. The decision was reiterated that admissions in the University would be granted only to women candidates in consonance with the requirements of the mandate of the statute.

8. It is noteworthy that no other aberration is pointed out in the writ petition.

9. So far as the other objection pressed by the petitioner with regard to giving effect to the reservation to the persons belonging to SC/ST/OBC/PH category is concerned, the respondents have placed before this court its admission policy for all programmes.

10. As per the notified policy, the respondents are effecting the following reservations :

- | | | | |
|-------|------------------------|---|------|
| (i) | Scheduled Castes | : | 15% |
| (ii) | Scheduled Tribes | : | 7.5% |
| (iii) | Other Backward Classes | : | 27% |

(Reservation to the OBC category is provided to the students belonging to Delhi i.e. schooling as well as domicile State is

Delhi)

- (iv) Persons with Disability : 3%
- (v) Defence Personnel : 5%

We may note that this reservation has been notified w.e.f. 2015-16 (programme).

11. The tabulation placed before us prior thereto for the academic session 2013-14 and 2014-15 shows that in the M.Tech programme no reservation had been given to the OBC category.

12. In view of the above, it would appear that the grievance and the prayer made by the writ petitioner stands satisfied.

13. Further proceedings in this writ petition are closed and the writ petition is disposed of accordingly.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 23, 2017

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