

\$~19.

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

+ **W.P.(C) 11393/2017**

POOJA GOEL AND ANR.

..... Petitioners

Through Mr. Pradeep Kumar Arya & Mr. Raj
Karan Sharma, Advocates.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through Mr. Anuj Aggarwal, ASC and Ms.
Deboshree Mukherjee, Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

20.12.2017

%

The petitioners' grievance and challenge is to earmarking of 85% seats for students passing the qualifying examination from institutions in Delhi. This issue is directly covered by a Division Bench decision of this Court in Writ Petition(C) No. 4042/2012, *Vished Through Legal Guardian Sushil Kumar versus Directorate of Higher Education and Others*, decided on 21st August, 2012. Paragraph 26 of the said judgment reads as under:-

“26. We have already upheld the validity of provision prescribing the condition that to be treated as "Delhi candidate", a student must have studied from a recognized school within the NCT of Delhi. That is precisely the requirement provided in para 2.4.2 above as well. No doubt, this provision is also giving benefit to those who were not born in Delhi or are the domicile of this place but have undertaken their studies in class 11

and class 12 in Delhi. In so far as the petitioners are concerned, they have studied 11th and 12th from a recognised school within the NCT of Delhi and are, therefore, not debarred from getting the benefit of this category. For the reasons given in the aforesaid judgment, we reiterate that it is for the respondents to make the eligibility conditions. May be it would be more appropriate for the policy makers to lay down the eligibility condition of domicile also but merely because that is not done would not make the rule arbitrary or unreasonable.”

In view of the aforesaid legal position, we are not inclined to issue notice on the present writ petition, which challenges an identical stipulation. The writ petition is accordingly dismissed for the reasons and ratio expounded in *Vished Through Legal Guardian Sushil Kumar* (supra).

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

**DECEMBER 20, 2017
VKR**