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

+ **W.P.(C) 5971/2018**

DR. ROHAN KAPOOR AND ORS. Petitioner
Through **Mr.Gautam Swarup, Adv. with**
Ms.Aditya Swarup, Adv.

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY AND ANR. Respondents
Through **Mr.Mukul Talwar, Sr. Adv. with**
Ms.Ekta Sikri, Adv., Mr.Jasbir Bidhuri,
Adv. & Ms.Nitati, Adv. for R-1.
Mr.Devendra Kumar, Adv. for R-2.
Mr.T. Singhdev, Adv. with Ms.Puja
Sarkar, Adv., Ms.B. Das, Adv. &
Mr.Tarun Verma, Adv. for MCI.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% 30.05.2018

By way of the present petition, the petitioners who are eleven in number, have sought quashing of the institutional reservation done by the respondent no.1/University in respect of the state quota seats. Learned counsel for the petitioners points out that the seats in the said class providing for 100% institutional preference, is included in the Information Bulletin which was issued in February, 2018 itself.

In view of the aforesaid position, when the matter was taken up for

hearing on 29th May, 2018, it was put to learned counsel for the respondents whether they are willing to consider the present petitioners in the vacancies which may be available presently.

Mr.Talwar, learned senior counsel for respondent no.1 submits that as on now, 62 vacant seats are available after the mop up counselling round of the State quota which can be filled up by conducting counselling of candidates from the All India Quota on the basis of the All India NEET Merit List. He further submits that besides the aforesaid 62 seats, one further seat has become available pursuant to letter dated 28th May, 2018 issued by Director General of Health Services and three additional seats have also become available on account of students having left the University for joining other Institutions. He, therefore, prays that these four seats may be permitted to be filled up from the State quota by way of institutional preference.

The learned counsel for the petitioners who is otherwise agreeable to the suggestion of learned senior counsel for the respondent no.1, vehemently, opposes the prayer made by respondent no.1 in regard to these four additional seats. He draws my attention to the order dated 25th May, 2018 passed by the Hon'ble Supreme Court in WP(C) No.556/2018 and contends that the order of the Supreme Court clearly shows that any seats which remain after 18th May, 2018, have to be filled on the basis of students from "All India NEET Merit List" as per the order of merit on or before 31st May, 2018.

Learned counsel for the respondent no.3, who appears on advance

notice, also supports the contention of learned counsel for the petitioners on this aspect and submits that the aforesaid order of the Supreme Court does not permit the respondent no.1 to offer these four additional seats, at this belated stage to state quota candidates by way of institutional preference.

Having considered the rival contentions of the parties I find merit in the contention of learned counsel for the petitioners that at this belated stage, the respondent no.1 cannot be allowed to offer the aforesaid four seats to candidates from the State quota by applying the institutional preference criteria, I am of the considered opinion that in view of the aforesaid order of the Supreme Court, it is incumbent upon the respondent no.1 to offer all the 66 available seats to candidates only on the basis of their merit in the All India NEET Merit List.

Accordingly, it is directed that the respondent no.1 will hold a counselling on 31st May, 2018 at 4.00 p.m. of all the eligible candidates desirous of taking admission against the aforesaid 66 seats on the basis of the “All India NEET Merit List”.

It is made clear that in case any further seats are made available, they will also be offered in the same counselling which is scheduled to be held tomorrow i.e. 31st May, 2018. However, it is made clear that any candidate who has already taken admission in any other college, will not be permitted to take part in the counselling scheduled to be held tomorrow. The respondent no.1 will be entitled to take declarations from the candidates in this regard at the time of counselling.

It is also made clear that this Court has not examined the merits of the grounds urged in the petition and the same are left open to be decided in an appropriate case.

The petition is disposed of in the aforesaid terms.

DASTI under signatures of Court Master.

REKHA PALLI, J

MAY 30, 2018/aa