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

+ LPA 434/2018

ESHAN SARAF

..... Appellant

Through: Mr. Vivek Narayan Sharma, Mr. Rajeev Kumar Jha, Mr. Pragyah V. Mishra, Mr. Shoaib Haider, Advocates.

versus

GURU GOVIND SINGH INDRAPRASTHA UNIVERSITY & ANR

..... Respondent

Through: Ms. Anita Sahani, Advocate for R-1.
Mr. Jaswant Rai Aggarwal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

09.08.2018

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Eshan Saraf has filed the present appeal impugning the order dated 2nd August, 2018 passed by the learned single Judge in CM No. 30773/2018, for interim relief, filed in Writ Petition (C) No. 7640/2018.

2. The respondent, University of Guru Gobind Singh Indraparstha has a policy under which the children of Kashmiri migrants are given admissions against supernumerary quota in the engineering colleges affiliated with the said university.

3. The appellant has been granted admission under the aforesaid policy in Computer Science and Engineering Course in Bharti Vidhyapeeth,

College of Engineering, Paschim Vihar, New Delhi.

4. The appellant has filed the aforestated writ petition for admission in Computer Science and Engineering Course in the University School of Information, Communication and Technology, Dwarka, New Delhi. The writ petition is pending consideration before the learned single judge.

5. The issue and question raised is whether the appellant, by an interim order, should be admitted to the said course in the University School of Information, Communication and Technology, Dwarka.

6. The appellant claims that in view of the better merit position, he is entitled to interim order/direction for admission in the University school of Information, Communication and Technology, Dwarka. Impugned order refers to an earlier application filed by the appellant for interim relief on which notice has been issued returnable on 22nd October, 2018. From the stand of the respondent-University, what is apparent is that they follow roster system for allocation of seats to Kashmiri Migrants in different colleges. Thus the issue which would arise is whether seat allocation as per roster system is valid or wrong.

7. The appellant has placed reliance on letter/communication of the Minister of Human Resource and Development dated 12th March, 2015 and the letter/order of the Delhi Government dated 10th February, 2004.

8. We are not inclined to interfere with the impugned order at this stage as the appellant has already secured admission and also paid the admission fees in the college allocated to him. In case, we interject and pass an interim order in favour of the appellant at this stage, it may have far-reaching and unforeseen consequences in different colleges under the said policy. Admission granted would have to be re-worked. This would adversely

impact several others who have taken benefit of the policy. Without commenting on merits, we observe that balance of convenience would not merit an interim order at this stage.

9. In case the appellant succeeds, the court would grant benefit as claimed by the appellant. In this view of the matter, decision of the Supreme Court in *Deoraj versus State of Maharashtra and Others*, AIR 2004 SC 1975 relied upon by the appellant would not be applicable.

10. Accordingly, with the aforesaid observations, the appeal is dismissed. We clarify that we have not made any binding and affirmative finding on merits.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

AUGUST 09, 2018
MR/VKR