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

Date of Decision: 07.09.2018

+ W.P.(C) 9357/2018

DR. SUBHASH VIJAYRAN AND ANR. Petitioners
Through: Dr. Subhash Vijayran, petitioner-in-person.

versus

UNION OF INDIA Respondent
Through: Mr. Manish Mohan, CGSC with
Ms. Manisha Saroha, Adv. for UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. Seeking a writ of mandamus or any other appropriate writ for declaring Section 3 of the Central Educational Institutions (Reservation in Admission) Act, 2016 (hereafter referred to as "the Act") as *ultra vires* of the Constitution and the provision contained therein providing reservation to higher education under the Act to be violative of Articles 14, 15(1), 15(4), 15(5) and 21 of the Constitution of India, this writ petition has been filed. Apart from the fact that the Constitutional validity of the aforesaid provision is said to have been upheld by the Hon'ble Supreme Court, we find that earlier making the same prayer petitioner had invoked the jurisdiction of the Hon'ble Supreme Court under Article 32 of the Constitution of India in

W.P.(C) No.787/2018 and vide order dated 24.08.2018 - 'Annexure P2' the writ petition has been dismissed and the order passed by the Hon'ble Supreme Court reads as under:

“Application for permission to appear and argue the matter in person is allowed.

We are not inclined to entertain this petition under Article 32 of the Constitution.

The Writ Petition is accordingly dismissed.”

2. Even though the petitioner, who appears in person, tries to argue that he was granted liberty to file this writ petition, we find that from the order passed by the Hon'ble Supreme Court there is no such indication. On the contrary, the writ petition has been dismissed.

3. Keeping in view the aforesaid, we see no reason to make any indulgence into the matter as the order passed by the Hon'ble Supreme Court would amount to *res judicata*.

4. The petition is, therefore, dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 07, 2018

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