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

+ LPA 55/2018 and CM APPL. 5016/2018

JAMILUR RAHMAN ANSARI Appellant
Through Mr. Rakesh Kumar Singh, Adv.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY & ORS
..... Respondent

Through Ms. Ekta Sikri and Mr. Jasbir Bidhuri,
Adv. for GGSIC/R-1.
Mr. Nitesh Kumar Singh, Adv. for
Mrs. Avnish Ahlawat, Standing
Counsel for GMCTD/R-2.
Ms. Isha Mittal and Mr. Apporv
Kurup, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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09.02.2018

The writ petitioner had approached this Court earlier by filing a WP(C) 892/2016, challenging the termination of the fellowship granted under the I.P. Research Fellowship (IPRF). The ground for termination of the fellowship was that the petitioner at the time of original grant did not fulfil the age criteria; he was over 32 years. Upper age limit of 30 years was relaxable for upto five years for SC/ST, woman and physically handicap scholars. The writ petition

was dismissed on the ground that the appellant could not fulfil the age criteria, as he was over-aged. The petitioner approached the Supreme Court, which after hearing him, permitted the withdrawal of his Special Leave Petition. At that time, his counsel stated that he would approach this Court again. In these circumstances, the appellant approached this Court with yet another writ petition.

In the subsequent writ petition which has led to the impugned order, the ground urged was the inapplicability of the guidelines, rather ordinance 12 applied and that the latter, did not in any way restrict the grant of IPRF. It is urged that the impugned judgment is plainly erroneous inasmuch as the ground with respect to the ordinance had not been urged nor considered in the previous writ proceedings.

The writ petition filed earlier, is a part of the record. It shows the elaborate nature of the challenge – including the challenge to the inapplicability of the regulations, which the petitioner/appellant was aware of. Though, the claim primarily was for priority vis-a-vis on the relaxation of other categories, nevertheless, the relief claimed was the same i.e. for invalidation of the decision to cancel the research fellowship. The Single Judge by the impugned order has relied upon several decisions of the Supreme Court in support of the conclusion that grounds which could have but were not taken in the earlier proceedings are nevertheless barred by the principle of constructive *res judicata*.

In the opinion of this Court, which has considered the relevant materials and the submissions of the appellant, there is no fault in that reasoning; which is reasoned and in consonance with settled law as well as sound public policy. For these reasons, it is held that the appeal is not merited and is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 09, 2018

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