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

+ LPA 75/2019 & CM APPLs. 5186/2019 & 5187/2019

RAJASTHAN VIKAS SANSTHAN & ANR Appellants

Through: Mr. Amar Davy with Mr. Kumar
Kartikay, Ms. Neelu Sharma &
Mr. Vishal Meghwal, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Ms. Suman Chauhan, Adv. for R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.02.2019

CM APPL. 5186/2019 (*exemption*)

Allowed, subject to just exceptions.

CM APPL. 5187/2019 (*delay*)

In view of the reasons stated in the application, delay in filing the appeal is condoned.

The application stands disposed of.

LPA 75/2019

1. Seeking exception to an order dated 03.12.2018 passed by the learned writ court refusing interim relief to the appellant – establishment, this appeal has been filed under Clause 10 of the Letters Patent.

2. In the writ petition filed by the appellant challenging the action of the respondents in the matter of granting admission to students to a professional course, the learned writ court following the law laid down by the Supreme Court in the case of *State of Tamil Nadu Dr. MGR Medical University v. SVS Educational and Social Trust*, has rejected the prayer made for grant of provisional admission and directed for listing of the matter for further hearing. Challenging the prayer refusing provisional admission, this appeal has been filed under Clause 10 of the Letters Patent.

3. Having heard learned counsel for the parties, we are of the considered view that the learned writ court has simply followed the dictum of law laid down by the Hon'ble Supreme Court in *SVS Educational and Social Trust* (supra) wherein the Supreme Court has deprecated the practice of granting provisional admission in professional educational institute by way of interim relief and has specifically held that the High Courts should not pass orders granting provisional admission.

4. The learned writ court having followed the law laid down by the Supreme Court in the matter of granting provisional admission, we see no error in the same warranting reconsideration.

5. The appeal stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

FEBRUARY 04, 2019

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