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

Date of Decision: 11.09.2019

+ W.P.(C) 6847/2019

ADITYA YADAV AND ANR. Petitioners

Through: Petitioners in person

versus

UNIVERSITY OF DELHI Respondent

Through: Mr. Mohinder J.S. Rupal, Adv. with
Mr. Prang Newmai, Mr. Hardik Rupal,
Mr. Koushik Ghosh & Ms. Aditi Shastri, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL.40659/2019 (Restoration)

This application has been preferred for restoration of W.P.(C) 6847/2019, which was dismissed in default, *vide* order dated 11.07.2019. Petitioners in person submitted that because of traffic congestion etc. and for the reasons stated in this application, they could not attend this Court when the matter was called out on 11.07.2019.

Having heard the petitioners in person and looking into the reasons enumerated in the application, we hereby recall the order dated 11.07.2019, passed in W.P.(C) 6847/2019. W.P.(C) 6847/2019 is restored to its original number.

The application stands disposed of.

W.P.(C) 6847/2019

1. The prayers in this Public Interest Litigation are as under:

“1. Issue direction, writ or order to respondent to quash the online registration which states that the registration fees for EWS is Rs. 300 and for OBC-NCL is Rs. 750.

2. Issue direction, writ or order to respondent to give benefit of economic relief to the aggrieved students i.e. students belonging to the OBC-NCL category.

3. Issue direction, writ or order to respondent to refund the extra- charged amount on the name of the registration fees of entrance by OBC-NCL.

4. To Issue direction, writ or order to release the fresh notification for the registration of entrance exam with justifiable grounds of fees difference between various categories.

5. To issue direction, writ or order the Respondent to follow the reservation guidelines and provisions provided by the Union of India.”

2. We have heard the petitioners in person at length. It is submitted by the petitioners in person that registration fees for the Academic Year 2019-2020 by Delhi University for undergraduate courses for students belonging to Scheduled Castes, Scheduled Tribes and Economically Weaker Section is fixed at ₹100/-, whereas for students belonging to Other Backward Classes, it is fixed at ₹250/-. Thus, there is discrimination between these two categories. The petitioners in person submit that students belonging to Other Backward Classes should be treated at par with students belonging to the reserved category of Scheduled Castes, Scheduled Tribes and Economically Weaker Section.

3. It is further submitted by the petitioners in person that similarly, the registration fees at Delhi University, for the Academic Year 2019-2020, for

students belonging to the reserved category of Scheduled Castes, Scheduled Tribes and Economically Weaker Section for postgraduate courses is fixed at ₹300/-, whereas for students belonging to Other Backward Classes, it is fixed at ₹750/-. Thus, students belonging to Other Backward Classes should be treated at par with the students belonging to the reserved category of Scheduled Castes, Scheduled Tribes and Economically Weaker Section. It is further submitted by petitioners in person that in Banaras Hindu University (U.P.), in Maharaja Sayajirao University (Vadodara) and in UPSC examination, the fees for students/candidates belonging to Other Backward Classes is same as for students/candidates belonging to the reserved category of Scheduled Castes, Scheduled Tribes and Economically Weaker Section. Hence, this writ petition has been preferred as a Public Interest Litigation.

4. Having heard the petitioners in person and looking into the facts and circumstances of the case, we see no reason to entertain this Public Interest Litigation, for the following reasons:-

- (i) The class of students belonging to Scheduled Castes, Scheduled Tribes and Economically Weaker Section are entirely different from the students belonging to Other Backward Classes.
- (ii) The fixing of registration fees is a policy decision of Delhi University.
- (iii) Looking into their economic condition, these two classes are absolutely different. Accordingly, the registration fee for students belonging to Scheduled Castes, Scheduled Tribes and Economically Weaker Section has been fixed at ₹100/- for undergraduate courses, and for postgraduate courses, it is fixed at ₹300/-, whereas for the students belonging to Other

Backward Classes, who may not be economically weaker, it is fixed as ₹250/- and ₹750/- for undergraduate and postgraduate courses, respectively.

- (iv) The classification narrated hereinabove is a valid classification and it has reasonable nexus with the objective to be achieved. Merely because in Banaras Hindu University (U.P.), Maharaja Sayajirao University (Vadodara) and in UPSC the fees for Scheduled Castes, Scheduled Tribes and for Economically Weaker Section students is at par with the fees to be paid by Other Backward Classes, that does not mean that Delhi University should have the same registration fee for both the classes of students. It is left open for Delhi University to prescribe the fees for the two different classes. The fixing of registration fees by the Delhi University can, by no stretch of imagination, be said to be unreasonably excessive, or arbitrary. Hence, there is no substance in this writ petition.

5. With the aforesaid observations, this writ petition is dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 11, 2019

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