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

+ W.P.(C) 7037/2017 & CM No. 29218/2017

VIBHAV KHARAGPURIA Petitioner

Through: Mr. Vibhor Kush, Adv.

versus

SCHOOL OF PLANNING AND ARCHITECTURE

..... Respondent

Through: Ms. Deepa Rai, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **10.01.2019**

The advertisement, on the basis of which the petitioner applied had the following clause, dealing with reservation of open seats :

“RESERVATION OF SEATS:

Reservations for all the courses will be applicable for SC/ST/OBC/PH and Kashmiri Migrants etc, as per rules of the Government of India. For details please visit our website.

The caste of the petitioner is admittedly notified as a backward class in the State List pertaining to the State of U.P. though it is not notified as a backward class in the Central List.

Learned counsel appearing for the respondent submits that this single fact, by itself disentitles the petitioner to take the benefit of reservation.

I am unable to agree. In the absence of any instruction, rule or precedent to the effect, I am of the view that learned counsel for the

respondent cannot merely rely on the fact that the caste of the petitioner is notified as an OBC in the State of U.P., and not in the Central List, is a delimiting factor to the entitlement of the petitioner to be admitted consequent to the aforementioned advertisement.

Learned counsel for the respondent seeks and is granted a week's time to study the matter and examine whether there are any instructions supporting her case.

Renotify the matter on 17th January, 2019 for disposal at the end of the board.

C.HARI SHANKAR, J

JANUARY 10, 2019/kr