



2024:DHC:5489-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 10086/2024 & CM APPL. 41344/2024****JUSTICE FOR ALL**

.....Petitioner

Through: **Mr. Khagesh B. Jha and Ms. Shikha
Sharma, Advocates**

versus

**HONBLE LIEUTENENT GOVERNOR, GOVT. OF NCT OF
DELHI AND ORS.**

.....Respondents

Through: **Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Narayan Singh, Advocate
for R-1, 2 and 4
Ms. Anita Sahani, Advocate for R-3**

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Date of Decision: 24th July, 2024**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****MANMOHAN, ACJ : (ORAL)**

1. Present public interest petition has been filed seeking issuance of directions to the Respondent No.4/Admission Regulatory Committee (ARC) to ensure the 85% seats allocated under Section 12(1)(b) of the Delhi Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007 ("DPCI Act") in a self-financed institutions are not allocated to outside Delhi students in any round of counselling until the registered candidate from the Delhi region are

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not willing to take admission in that institute in any round of counselling whether the Sliding Round, SPOT round or Special round of counselling.

2. Learned counsel for the Petitioner submits that as per Section 12(1)(b) of the DPCI Act, at least 85% of total seats, except the management seats, are reserved for Delhi students and the remaining 15% seats are available for outside Delhi students. He further submits that Section 12(2) of the DPCI Act prescribes reservations for candidates under the Schedule Caste (17%) and Schedule Tribes (1%) and provides that percentage of reservation for any other category including Other Backward Class will be as may be prescribed. He states that while fixation of reservation for OBC, EWS, PwD etc. has been left to the Government, no such percentages have been fixed even after 17 years of the enactment of the legislation. He states that the 'Government' as defined under Section 3(j) of the DPCI Act to mean Lt. Governor, has failed to frame the rules for the manner of admission in this regard.

3. He further states that the Admission Brochure published by the Respondent No. 3-University is *ultra vires* Section 12(1)(b) and 12(2) of the DPCI Act. He states that the Respondent No.3-University conducts the admission counselling de-hors the statutory provisions which results in allocation of Delhi seats to outside Delhi candidates and allocation of reserved category seats to unreserved category of students even when the students from Delhi and the reserved classes are left waiting for admission in an institute of their choice. He also states that seats are de-allocated and de-reserved after second or third round of counselling where at least seven and eight rounds of counselling take place for most of the courses.



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4. A perusal of the paper book reveals that petitioner has made a representation dated 10th June, 2024 to the Hon'ble Lt. Governor of Delhi and Chancellor of GGSIP University. However, the same has not been decided till date.

5. Accordingly, the present writ petition and application are disposed of with direction to the Chancellor of GGSIP University to decide the petitioner's representation dated 10th June, 2024 in accordance with law as expeditiously as possible preferably within three weeks. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 24, 2024

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