



2024:DHC:8717



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

% ***Judgment delivered on : 11.11.2024***

+ **W.P.(C) 11616/2024 & CM APPL. 48295/2024**

ANUKRITI ARYA

.....Petitioner

Through: Mr. Ajai Kumar, Advocate

versus

UNIVERSITY OF DELHI (THROUGH VICE
CHANCELLOR & ORS.

.....Respondents

Through: Mr. Mohinder JS Rupal and
Mr. Hardik Rupal, Advs. for
DU.

Ms. Avshreya Pratap Singh
Rudy SPC, Mr. Vidur Dwivedi
GP and Ms. Usha Jamnal,
Advs. for UOI.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking following prayers:

“a. Issue writ, order or direction in the nature of certiorari or any other appropriate writ, orders or directions to set aside/quash for issuance of writ, order or direction in the nature



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of certiorari or any other appropriate writ, orders or directions for setting aside/quashing of the Information Bulletin under graduate (MBBS/BDS) admission 2024-2025 issued by the respondent no.1 & 2 to the extent it includes children/widows of Para-Military Personnel/ Personnel of Police Forces {upto priority (v) only} under quota “children/widows of Personnel of the Armed Forces (CW)” in admission in UG Medical Courses (MBBS/BDS/BAMS/BUMS/BHMS) Courses 2024-2025 under 85% Delhi quota in medical colleges of the Respondent no.1 & 2.

b. issue writ, order or directions in the nature of certiorari or any other appropriate writ, orders or directions for setting aside / quashing of List of Provisionally Eligible candidates under the aforesaid “CW” category for admission to UG Medical Courses (MBBS/BDS/BAMS/BUMS/BHMS) 2024-2025 under 85% Delhi quota published by the respondent no. 1 & 2.

c. Issue writ, order or direction in the nature of mandamus or any other appropriate writ, orders or directions thereby directing the respondents no. 1 & 2 to publish a fresh I revised list of provisionally eligible candidates under “CW” category (after excluding the wards/widows of Para Military Personnel/Personnel of Police Forces {upto priority (v) only} for admission to UG Medical Courses (MBBS/BDS/BAMS/BUMS/BHMS) 2024-2025 under 85% Delhi quota.

d. Issue writ, order or direction in the nature of mandamus or any other appropriate writ, orders or directions thereby directing the respondents no. 3 to issue allotment of seats falling under CW quota in Medical Courses (MBBS/BDS/BAMS/BUMS/BHMS) 2024-2025 under 85% Delhi quota as per the aforesaid fresh/revised list of eligible candidates under CW category and also for granting all consequential relief(s)…”

FACTUAL BACKGROUND

2. The facts of the case, as discernible from the petition, are that the father of petitioner had served in the Indian Air Force, after which he had attained the status of an ‘Ex-Serviceman’. His daughter, i.e. the petitioner Ms. Anukriti Arya, had completed her Class 12th



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(Science stream) from Delhi in 2021. She was eligible to appear in the National Eligibility-cum-Entrance Test (Undergraduate) [hereafter '**NEET (UG)-2024**'] for admission into Bachelor of Medicine and Bachelor of Surgery (MBBS) course. As the daughter of an Ex-Serviceman, Ms. Arya is entitled to reservation benefits under the Armed Forces/Defence Quota in educational institutions.

3. Respondents nos. 1 and 2, namely the Vice-Chancellor and the Dean, Faculty of Medical Sciences, respectively, of the University of Delhi [hereafter collectively referred to as '**the University**'] issued the Information Bulletin - Under Graduate (MBBS/BDS) Admission 2024-2025 [hereafter '**the Information Bulletin**']. The Bulletin outlines admissions to various courses, including MBBS, in affiliated medical colleges.

4. It is stated that admission to the MBBS course is based on the All India Rank (AIR) secured in NEET (UG)-2024. The available seats in these medical colleges are divided into two quotas – the All India Quota, comprising 15% of the total seats, and the State Quota, comprising the remaining 85% for each of the colleges affiliated with the University.

5. In February 2024, Ms. Arya submitted the application form for NEET (UG)-2024, which was accepted. She was issued an Admit Card and she subsequently appeared for the examination. She secured 658 marks out of 720, resulting in an AIR of 20181 (Category Rank: 8913).



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6. The petitioner's grievance centers on the reservation policy concerning the 'Children/Widows of Personnel of the Armed Forces (CW)' [hereafter '*the CW Category*'] as outlined in the University's Information Bulletin. The policy includes Widows/Wards of Para-Military Personnel and Wards of Police Personnel in receipt of Gallantry Awards within Priority (I) to (V) of the category. The said policy is extracted hereunder:

"E. Reservation of Armed Forces (CW)"

1. Five percent (5%) seats are reserved on horizontal (compartmental) basis for the candidates belonging to CW Categories.

2. All the CW applicants have to upload the Educational Concession Certificate in the enclosed format to be issued by any of the following authorities on the proper letterhead:

- (i) Secretary, Kendriya Sainik Board, Delhi.
- (ii) Secretary, Rajya Zila Sainik Board.
- (iii) Officer-in-Charge, Record Office.
- (iv) 1st Class Stipendiary Magistrate.
- (v) Ministry of Home Affairs (For Police Personnel in receipt of Gallantry Awards).

3. Admission may be offered to the Children/Widow of Officer and Men of the Armed Forces including Para-Military Personnel* (C.W.) in the following order of preference:

Priorities to be modified as per confirmation from MHA/Sainik Board.

Priority I Widows/Wards of Defence personnel killed in action;

Priority II Ward of Defence Personnel disabled in action and Boarded out from service with disability attributable to military service;

Priority III Widows/Wards of Defence Personnel who died while in service with death attributable to military service;



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Priority IV Wards of Defence Personnel disabled in service and boarded out with disability attributable to military service;

Priority V Wards of and Serving/Ex-servicemen including Personnel of police forces who are in receipt of Gallantry Awards;

- (i) Param Vir Chakra
- (ii) Ashok Chakra
- (iii) Maha Vir Chakra
- (iv) Kirti Chakra
- (v) Vir Chakra
- (vi) Shaurya Chakra
- (vii) President's Police Medal for Gallantry/President Gallantry Medal for the fire services personnel
- (viii) Sena Medal (Gallantry), Nau Sena Medal (Gallantry), Vayu Sena Medal (Gallantry)/Tatrakshak Medal (Gallantry)
- (ix) Mention-in-Despatches
- (x) Police Medal for Gallantry/Gallantry Medal for fire services

Priority VI Wards of Ex-Servicemen.

Priority VII Wives of:

- (i). Defence personnel disabled in action and boarded out from service.
- (ii). Defence personnel disabled in service and boarded out with disability attributable to military service.
- (iii). Ex-servicemen and serving personnel who are in receipt of Gallantry Awards.

Priority VIII Wards of Serving Personnel

Priority IX Wives of Serving Personnel

NOTE : *Benefit under CW category may extend to the wards of the Personnel of Para military forces up to priority (v) only."



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7. On 30.07.2024, the University issued a notice regarding the submission of documents for admission under the CW Category (85% Delhi Quota) for the Academic Session 2024-25, and the petitioner complied with the same. Subsequently, on 07.08.2024, the University published a tentative list of candidates registered on the portal, under CW Category, for verification of eligibility. The petitioner's name appeared at serial number 78 under Priority (VI) [wards of Ex-Servicemen]. On 16.08.2024, a revised list was issued in which the petitioner's name appeared at serial number 71 under Priority (VI). However, 13 candidates who are wards of Para-Military and Police Personnel in receipt of Gallantry Awards were included under Priority (V).

8. The petitioner contends that the inclusion of Para-Military and Police Personnel in the CW Category is arbitrary and inappropriate, as the term 'Armed Forces' should specifically refer to the military personnel of the three Armed Forces — Army, Navy, and Air Force — all of which are within the control of Ministry of Defence. In contrast, Para-Military and Police Personnel are controlled by the Ministry of Home Affairs.

9. Aggrieved by this alleged misclassification within the CW Category, the petitioner has approached this Court, seeking quashing of the Information Bulletin issued by the University to the aforesaid extent.



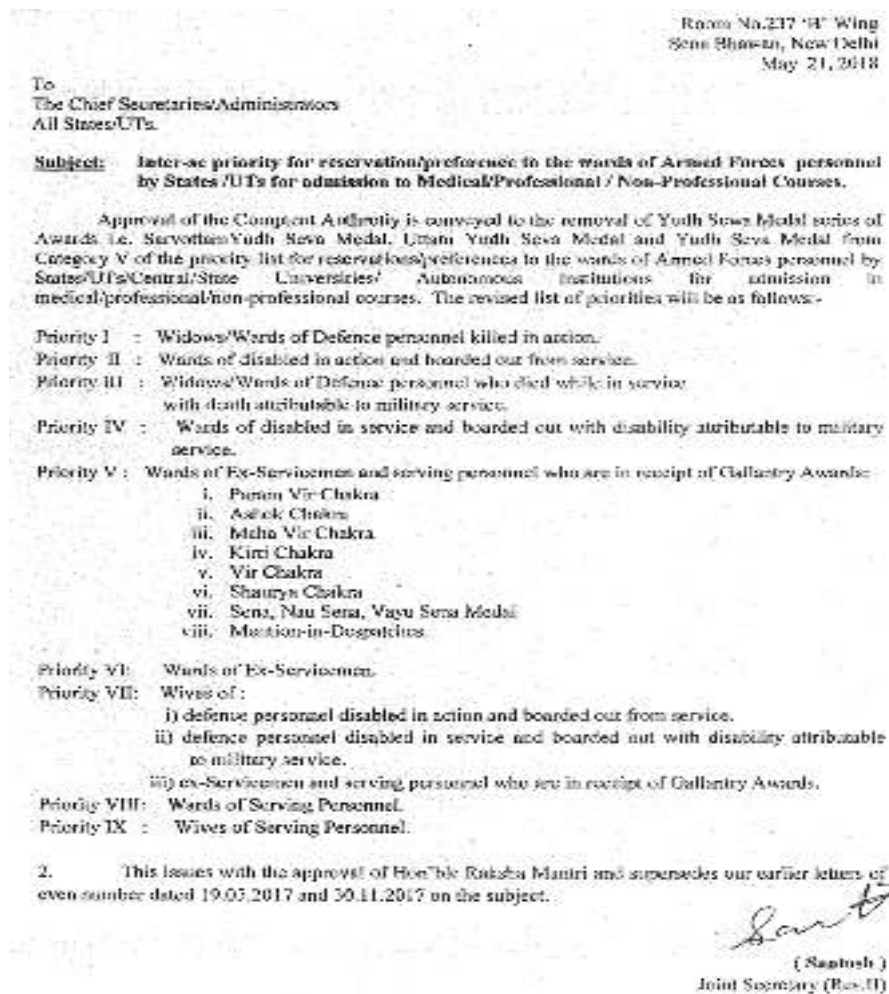
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SUBMISSIONS BEFORE THIS COURT

Submissions on Behalf of the Petitioner

10. Learned counsel appearing for the petitioner argues that the CW Category quota is specifically intended to provide reservation or preference solely to the wards of Armed Forces personnel. It is asserted that this reservation should strictly follow the *inter-se* priority guidelines as set by respondent no. 4 i.e. Ministry of Defence in letter no. *F. No. 6(1)/2017/D(Res.II)* dated 21.05.2018, which provides as follows:





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11. It is contended that the inclusion of wards and widows of Para-Military and Police Personnel under the CW Category is arbitrary and illegal since such an inclusion dilutes the core intent behind the reservation policy, which was originally meant to benefit the wards and widows of Armed Forces personnel exclusively. It is stated that the University lacks the authority to unilaterally include wards/widows of Para-Military and Police Personnel in Priority (I) to (V) under the CW Category. It is also submitted that awarding any Gallantry awards to the police personnel cannot automatically give them any vested right to be included in the definition of Armed Forces. It is further argued that categorization within the CW Category should be managed solely by the Department of Ex-Servicemen Welfare, Kendriya Sainik Board, under the Ministry of Defence, which has already determined priorities in the referenced letter of 21.05.2018. This, it is argued, should be the binding criteria for reservation under the CW Category.

12. Learned counsel for the petitioners submits that if the quota is restricted only to the rightful beneficiaries, such as the petitioner (being the daughter of an Armed Forces personnel), eligible candidates will benefit and receive admissions, and excluding ineligible candidates (i.e., wards and widows of Para-Military and Police Personnel) from the CW Category for the MBBS course will ensure that the reserved seats serve their intended purpose.



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Submissions on Behalf of the University

13. Learned counsel appearing for the University contends that the petitioner herein had registered and filled up the admission/registration form, pursuant to the Information Bulletin issued by the University, and she was thus aware of the terms and conditions of the admission and reservation criteria applicable to the different classes of candidates. It is stated that the petitioner having accepted the conditions of the Information Bulletin and having understood the terms and conditions and the criteria provided thereunder is now estopped from challenging any provision which has been in her knowledge since then, especially when several rounds of counseling have already taken place.

14. It is stated that the criteria as provided for in the Information Bulletin is applicable to all the colleges affiliated to the University wherein thousands of students are admitted every year. It is also stated that there is no separate or different criteria applicable to different courses (including MBBS) or different colleges for admission of candidates in the reserved category, especially the CW Category.

15. Learned counsel for the University argued that the reservation policy pertaining to CW Category has been formulated on the basis of instructions/directions/communications received from the Ministry of Defence as well as Ministry of Home Affairs. It is contended that widows/wards of Para-Military Personnel and wards of Police



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Personnel in receipt of Gallantry Awards were included within the scope of CW Category pursuant to receipt of instructions in this regard from Ministry of Home Affairs. In this regard, attention of this Court was also drawn to letters dated 06.07.2009, 21.07.2009 and 27.07.2009 exchanged between the University and the Ministry of Home Affairs.

16. Learned counsel appearing for the University contends that the policy of reservation under Defence Category has been formulated by the University on the basis of instructions issued by the DHE, GNCTD, and that there has been no change in the said policy and all the candidates of all the programmes in all the affiliated colleges to the University have been taking admission based on the same reservation policy. It is stated that there has been neither sudden or a last-minute change in the policy of the University and, therefore, the petitioner is not entitled to maintain the present petition.

ANALYSIS & FINDINGS

17. The petitioners' principal grievance concerns the inclusion of Widows/Wards of Para-Military Personnel and Wards of Police Personnel in receipt of Gallantry Awards under the CW Category reservation in the University's admission policy. The petitioner contends that such an inclusion is inconsistent with the reservation guidelines issued by the Ministry of Defence and results in undue



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expansion of the CW Category. The petitioners thus seek the exclusion of Para-Military and Police Personnel from this category.

18. In this Court's opinion, the University has framed its reservation policy under CW Category and that the same has evolved following the directions and communications issued from time to time by both the Ministry of Defence and the Ministry of Home Affairs in this regard.

19. During the course of arguments, the learned counsel appearing for the University submitted that the University has been following the same policy, in respect of widows and wards of Para-Military and Police Personnel, consistently since the year 2009. In this regard, learned counsel had drawn this Court's attention to letters dated 06.07.2009, 21.07.2009 and 27.07.2009, exchanged between the University and the Ministry of Home Affairs.

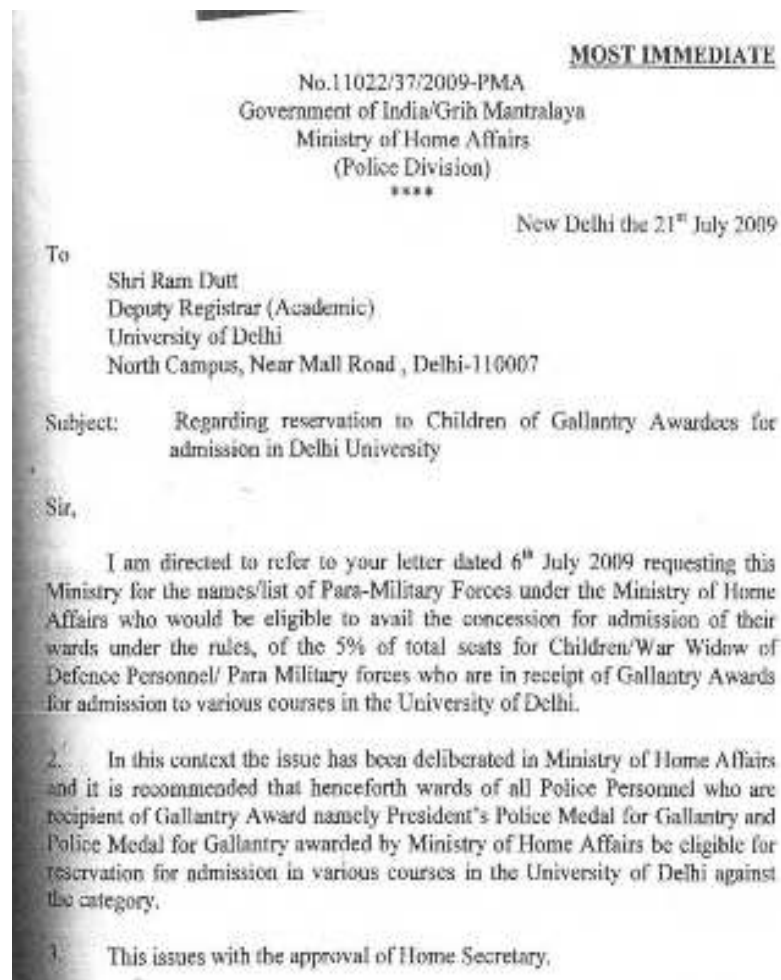
20. This Court notes that in the letter dated 06.07.2009, the University had informed the Ministry of Home Affairs that as per its policy, 5% of the total seats in each course are reserved under the CW Category, including Para-Military Personnel and serving personnel who are in receipt of Gallantry Awards. The Ministry of Home Affairs was requested to provide a list of Para-Military forces who would be eligible to avail the concession for admission of their wards under the aforesaid reservation category, and it was also requested to clarify as to whether the IPS officers, who are recipients of Gallantry Awards, would be eligible for this concession.



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21. By way of letter dated 21.07.2009, the Ministry of Home Affairs had informed the University that henceforth, wards of all Police Personnels who are recipients of Gallantry Awards namely President's Police Medal for Gallantry and Police Medal for gallantry, awarded by Ministry of Home Affairs, would be eligible for reservation for admission in various courses in the University. The letter dated 21.07.2009 is extracted hereunder:

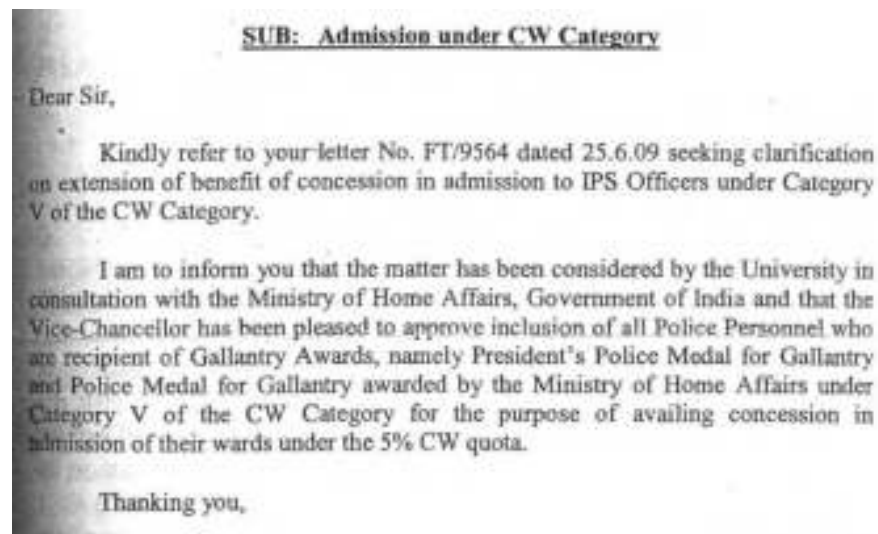




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22. Thereafter, the University *vide* a letter dated 27.07.2009 had informed the Faculty of Technology, University of Delhi as well as the Ministry that the Vice Chancellor had been pleased to approve the inclusion of aforesaid police personnel under Priority V of the CW Category. The letter dated 27.07.2009 is extracted hereunder:



23. During the Academic Session 2018-2019, the University had made some changes in its reservation policy pertaining to CW Category and had sub-divided Priority V into two categories i.e V(a) and V(b) and wards of the Police personnel who are in receipt of President's Police Medal for Gallantry and Police Medal for Gallantry had been kept under category V(b) in the admission form. The Ministry of Home Affairs had issued a letter to the University and urged that the old policy regarding Para-Military and Police Personnel be followed and no changes be made to exclude them from



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the ambit of reservation. The said letter dated 03.08.2018 is extracted hereunder:

“Subject: Reservation for the wards of Gallantry awardees (Police Personnel/CAPFsCPOs) for admission in Delhi University.

It has been brought to the notice of the Ministry that Delhi University has altered the criteria for concession in admission to the Children/Widows of Officers and Men of the Armed Forces including Para-Military Personnel for the year 2018 - 2019 thereby sub-divided category -V into two categories i.e v(a) and v(b) and wards of the Police personnel who are in receipt of President's Police Medal for Gallantry, Police Medal for Gallantry kept under category v(b) in admission form. Due to which wards of Para Military/Police personnel are not benefited the concession granted by Delhi University in admission.

2. In view of above, it is requested that not to alter the criteria of reservation in respect of wards of Para Military /Police personnel who are in receipt of President's Police Medal for Gallantry and Police Medal for Gallantry and maintain it as per previous year i.e 2017-18.

3. This has the approval of Union Home Secretary, Government of India.”

24. Therefore, it is clear that the University has been following the impugned reservation policy since 2009 in compliance with the directions/communications issued by the Ministry of Home Affairs.

25. Generally, the reservation for ‘Armed Forces’ personnel and their dependents is governed by the directions issued by the Ministry of Defence. However, it appears that in the University’s Information Bulletin, the term ‘Armed Forces’ has been used in a broader context, to include widows and wards of Armed Forces Personnel/Defence Personnel as directed by the Ministry of Defence, as well as widows



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and wards of Para-Military Personnel and of Police Personnel who are recipients of Gallantry Awards as per instructions from the Ministry of Home Affairs. In this Court's view, this dual-source basis for the reservation policy reflects an effort by the University to reconcile directions issued from both the Ministries

26. In other words, though the word 'Armed Forces' is used by the University for the purpose of describing the category of reservation, the University has explained the ambit/scope of this category clearly in the information provided under the said category in the Information Bulletin. Any conclusion as to who will be covered under this Category was adequately and properly described by the University by categorizing each person included under the scope of this reservation heading.

27. Further, though there may be some conflict between the Ministry of Defence's and Ministry of Home Affairs' positions regarding the scope of reservations under the Defence Category, this Court finds that resolving inter-ministerial policy conflicts do not fall within the purview of judicial adjudication as urged in the present petition. This Court cannot delve into administrative or policy conflicts between government departments. Importantly, the petitioner has not directly challenged any specific communication issued by the Ministry of Home Affairs.

28. The issue as to whether the University has enlarged the scope of CW Category arbitrarily or not has been discussed in the preceding



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paragraphs, and it is evident that the University was acting under instructions and directions of the Ministry of Defence as well as Ministry of Home Affairs. The challenge, if any, to the alleged arbitrariness of the letter and directions of Ministry of Home Affairs or Ministry of Defence could well be raised in appropriate proceedings by an aggrieved person aggrieved, however, the University is bound to follow the instructions and communication issued by the concerned Ministries. The petitioner herein, notably, has not specifically challenged the directions or communications issued by the Ministry of Home Affairs.

29. It is well-settled that policy decisions are not subject to judicial interference unless they are shown to be arbitrary, unreasonable, or manifestly illegal. Courts are generally cautious in reviewing the merits of policy decisions, especially in matters involving reservation criteria, which lies within the domain of the Executive. In absence of demonstrable arbitrariness or illegality in the policies, such as the reservation policy followed by the University which is under challenge in the present petition, this Court is not inclined to interfere with the same.

30. Recently, the reservation policy under CW Category followed by the University, which is under challenge in this petition, was examined by the Division Bench of this Court in the case of *Yashika Malik v. University of Delhi Faculty of Medical Science & Ors.*, 2024:DHC:7051-DB. The controversy pertained to eligibility of the



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petitioner therein under Priority (V)(viii) i.e. wards of recipients of Sena Medal (Gallantry). The Division Bench noted that for being eligible for reservation under the CW category, the candidate had to submit an Education Concession Certificate. The petitioner had submitted a certificate issued by Kendriya Sainik Board (Ministry of Defence), but the same was later cancelled on the ground that the Assam Rifles, being a Para-Military organization, was under the purview of Ministry of Home Affairs. The Division Bench noted that as per the policy of the University, an Education Concession Certificate could be issued by five authorities, including the Ministry of Home Affairs. Thus, the certificate/communication issued by the Ministry of Home Affairs was considered valid, and the University was directed to grant admission to the petitioner therein under the CW category, in Priority (V), even if an additional seat had to be created. Conversely, the petitioners in the present case are seeking the deletion of Para-Military and Police Personnel from the scope of reservation policy pertaining to Armed Forces followed by the University.

31. In the absence of any *prima facie* illegality in the University's reservation policy pertaining to 'Defence Category', which is governed by the instructions and directions issued by the GNCTD, which in turn takes into account the directives of both the Ministry of Defence and the Ministry of Home Affairs, this Court finds no



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ground to annul or modify the reservation policy followed by the University.

32. This Court further observes that the petitioner's challenge to the Information Bulletin, released in early 2024 by the University, has been brought at a delayed stage. In this Court's view, admission cycles entail strict timelines and involve large numbers of applicants; thus, a belated challenge poses the risk of disrupting an advanced admission process. In the interest of finality, judicial reluctance to entertain last-minute challenges is warranted, especially when policies have been consistently followed over multiple academic sessions.

33. Thus, this Court is not inclined to quash the Information Bulletin issued by the University insofar as it stipulates the reservation policy relating to CW Category.

34. In light of the above findings, this Court does not find merit in the present petition. The same is accordingly dismissed. Pending application also stands disposed of.

35. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

NOVEMBER 11, 2024/zp