



2024:DHC:8715



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Judgment delivered on: 11.11.2024***+ **W.P.(C) 11942/2024 & CM APPL 49692/2024**

EX. SGT MANOJ KUMAR & ANR.Petitioners

Through: Mr. Ajai Kumar and Mr. A.R.
Pandey, Advs.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
(THROUGH VICE CHANCELLOR) & ORS.RespondentsThrough: Ms. Anita Sahani, Adv. for
GGSIPU.Mr. Anuj Aggarwal, ASC with
Mr. Yash Upadhyay and Mr.
Siddhant Dutt, Advs. for R-3,
R-7 & R-8.Mr. Sandeep Kumar
Mahapatra, CGSC with Mr.
Tribhuvan and Mr. Amit
Acharya, Advs. (G.P.) for R-5
and R-6**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:



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“...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 of certiorari or any other appropriate writ, orders or directions for setting aside/quashing of the Admission Brochure for Under Graduate Programmes (Academic session 2024-25) issued by the respondent no. 1 & 2 to the extent it includes Wards/widows of Para-Military Personnel and/or Police Personnel under Priority (I) to priority (V) under quota "Defence Category for admission brochure 2024-25 under 85% IPU Quota in the Respondent nos. 3 & 4 (medical colleges) (ANNEXURE P-I).

b. 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 list of eligible candidates under "Defence Category" (excluding the wards/widows of Para Military Personnel/Police Personnel {under Priority I to V} for admission to MBBS Course (Academic session 2024-25) under 85% IPU quota (State quota).

c. issue writ, order or direction in the nature of mandamus or any other appropriate writ, orders or directions thereby directing the respondents nos. 1 & 2 to issue allotment of seats falling under "Defence Category" quota in MBBS Course (Academic Session 2024-25) under 85% IPU quota (State quota) as per the aforesaid list of eligible candidates under "Defence 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 petitioner no. 1, Mr. Manoj Kumar had served in the Indian Air Force from February, 1994 until his discharge in October 2013, after which he had attained the status of an ‘Ex-Serviceman’. His daughter, petitioner no. 2, Ms. Anukriti Arya, had completed her Class 12th (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 Director In-charge (Academics), respectively, of Guru Gobind Singh Indraprastha University, Delhi [hereafter collectively referred to as the '*University*'] issued the Admission Brochure - Undergraduate Programmes for Academic Session 2024-25 [hereafter '*the Admission Brochure*']. The Admission Brochure outlines admissions to various courses, including MBBS, in affiliated medical colleges, specifically respondent no. 3 i.e. Dr. Baba Saheb Ambedkar Medical College and Hospital, and respondent no. 4 i.e. North Delhi Municipal Council Medical College and Hindu Rao Hospital.

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).

6. On 01.08.2024, the University published a notice on its website for the centralized online counseling process for NEET (UG)-2024 qualified candidates applying for the MBBS course for the Academic Session 2024-25. Ms. Arya applied for the same, *vide* application no. 103241002172, which was accepted. On 23.08.2024, the University issued a notice setting out the schedule for the first round of counseling for the MBBS course, with the tentative date for declaration of Round 1 results being 29.08.2024.

7. The petitioners' grievance centers on the reservation policy concerning the 'Defence Category' as outlined in the University's Admission Brochure. 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 Defence Category. The said policy is extracted hereunder:



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6.1.2 Defence Category

In reference to letter no.DHE6(32)/Court Case/2312-13/2367-2077 dated 08.05.2019 on the reservation in respect of wards of Paramilitary Force/Police Personnel with direction to follow same Reservation Policy as mentioned in year 2018-19 in the forthcoming sessions in admission to the wards of Paramilitary Force/Police Personnel. The reservation preference policy in respect of wards of Armed forces shall be as per the letter no. F. No 6(1)2017/I (Res.II) Govt of India, Ministry of Defence, Department of Ex-Servicemen Welfare dated 21.05.2018 circulated vide this Directorate of Higher Education letter no. F.No. DHE6(32)/Court Case/2312-13/3333-39 dated 06.07.2018.

- Priority I : Widows/Wards of Defence personnel/Para Military Personnel killed in action. Required Certificate: Proof in Original.
- Priority II : Wards of Defence Personnel and ex-servicemen/Para Military personnel disabled in action and boarded out from service with disability attributable to military service. Required Certificate: Original disability certificate clearly indicating the disability is attributable to Military Services in action and was boarded out.
- Priority III : Widows/Wards of Defence personnel/Para Military personnel who died in peace time with death attributable to military service. Proof in Original.
- Priority IV : Wards of Defence personnel/Para Military personnel disabled in service and boarded out from service with disability attributable to military service. Required Certificate: Original disability certificate clearly indicating the disability is attributable to Military Services and was boarded out.
- Priority V : Wards of serving Defence personnel and Ex-Servicemen /para military/police personnel who are in receipt of Gallantry Awards. Required Certificate: Proof in Original.
- i. Param Vir Chakra
 - ii. Ashoka Chakra
 - iii. Maha Vir Chakra
 - iv. Kirti Chakra
 - v. Vir Chakra
 - vi. Shaurya Chakra
 - vii. Sena, Nau Sena, Vayu Sena Medal
 - viii. Mention in Despatches
 - ix. President's Police Medal for Gallantry
 - x. Police Medal for Gallantry

As per letter no. 371/Adms/Medical Seats/Vol.I dated 02.07.2023 of Govt of India, Ministry of Defense, Kendriya Sainik Board, West Block 4, Wing-7, R K Puram, New Delhi 110066, the precedence of Gallantry Awards as per Priority V.

- Priority VI : Wards of Ex-Servicemen. Required Certificate: Original ex-servicemen Identity Card/ discharge book supported by PPO (Pension Payment Order).
- Priority VII : Wives of
- i. Defence personnel disabled in action and boarded out from service. Required Certificate: Original disability certificate clearly indicating the disability is attributable to Military Services in action and was boarded out.
 - ii. Defence personnel disabled in service and boarded out with disability attributable to military service. Required Certificate: Original disability certificate clearly indicating the disability is attributable to Military Services and was boarded out.
 - iii. Ex-Servicemen and serving personnel who are in receipt of Gallantry Awards. Required Certificate: Proof in Original. Only the Gallantry Awards specified in Priority V shall be considered.
- Priority VIII : Wards of Serving Personnel. Required Certificate: Original Service Identity Card and Dependent Card/ Certificate issued by the Competent Authority.
- Priority IX : Wives of Serving Personnel. Required Certificate: Original Service Identity Card and Dependent Card/ Certificate issued by the Competent Authority.

8. The petitioners contend that the inclusion of Para-Military and Police Personnel in the Defence Category is arbitrary and inappropriate, as the term 'Defence Personnel' 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 Defence Category reservation policy, the petitioners have approached this Court, seeking quashing of the Admission Brochure issued by the University to the aforesaid extent.

SUBMISSIONS BEFORE THIS COURT

Submissions on Behalf of the Petitioner

10. Learned counsel appearing for the petitioners argues that the Defence Category quota is specifically intended to provide reservation or preference solely to the wards of Defence 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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Room No.217 'H' Wing
Sanskar Bhawan, New Delhi
May 21, 2018

To
The Chief Secretaries/Administrators
All States/UTs.

Subject: Inter-se priority for reservation/preference in the wards of Armed Forces personnel by States/UTs for admission to Medical/Professional / Non-Professional Courses.

Approval of the Competent Authority is conveyed to the removal of Yuddh Seva Medal series of Awards i.e. Sarvottam Yuddh Seva Medal, Uttam Yuddh Seva Medal and Yuddh Seva Medal from Category V of the priority list for reservations/preference in the wards of Armed Forces personnel by States/UTs/Central/State Universities/ Autonomous Institutions for admission in medical/professional/non-professional courses. The revised list of priorities will be as follows:-

- Priority I : Widows/Wards of Defence personnel killed in action.
 Priority II : Wards of disabled in action and boarded out from service.
 Priority III : Widows/Wards of Defence personnel who died while in service with death attributable to military service.
 Priority IV : Wards of disabled in service and boarded out with disability attributable to military service.
 Priority V : Wards of Ex-Servicemen and serving personnel 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. Sena, Nau Sena, Vayu Sena Medal
 viii. Mention-in-Despatches
 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.

2. This issues with the approval of Hon'ble Raksha Mantri and supersedes our earlier letters of even number dated 19.03.2017 and 30.11.2017 on the subject.

(Santosh)
Joint Secretary (Res. II)

11. It is contended that the inclusion of Widows/Wards of Para-Military Personnel and Wards of Police Personnel in receipt of Gallantry Awards under this quota is arbitrary and illegal since such an inclusion dilutes the core intent behind the Defence Category quota, which was originally meant to benefit the wards and widows of Defence 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 Defence Category merely on recommendations of the Ministry of Home Affairs. It is further argued that categorization within the Defence Quota 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 Defence Category.

12. Learned counsel for the petitioners submits that if the quota is restricted only to the rightful beneficiaries, such as petitioner no. 2 (being the daughter of a Defence 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 Defence Category Quota for the MBBS course will ensure that the reserved seats serve their intended purpose.

Submissions on Behalf of the University

13. On the other hand, learned counsel appearing for the University contends that the petitioner herein had registered and filled up the form for admission and registration, pursuant to the Admission Brochure issued by the University back in early 2024, 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



Admission Brochure 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 Admission Brochure 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 Defence Category.

15. It is stated that the University was giving 5% reservation exclusively to the wards of Armed Forces Personnel till Academic Session 2014-15. During the Academic Session 2015-16, the ambit of providing reservation to Armed Forces Personnel was expanded on the basis of an order bearing no. *F.6(32)CC/2012-13/166* dated 11.04.2013 issued by the Government of National Capital Territory of Delhi [hereafter '*GNCTD*'] and reservation to Para-Military Personnel was given in Priority (I) to (V), and to Police Personnel in Priority (V) only, and under Priority (V), there were 10 categories of gallantry awards. The same reservation policy was continued during the Academic Session 2016-17. During the Academic Session 2017-18, the reservation policy under Defence Category remained same,



however, in Priority (V), two more gallantry awards were added. This policy continued for the Academic Session 2018-19 also.

16. It is stated that during the Academic Session 2019-20, in the reservation pertaining to Defence Category, Para-Military and Police Personnel were not included as the same were not mentioned in the letter *F.No. 6(1)2017/D(Res.II)* dated 21.05.2018 issued by Ministry of Defence, which was forwarded by the Directorate of Higher Education [hereafter '**DHE**'], GNCTD *vide* a letter dated 06.07.2018.

17. However, in the Academic Session 2020-21, once again Para-Military and Police Personnel were added for reservation under Defence Category giving reference to the letter dated 08.05.2019 issued by DHE, GNCTD wherein a letter issued by the Ministry of Home Affairs in this regard was annexed and relied upon. It is stated that this reservation policy followed in the Academic Session 2020-21 was continued during the Academic Sessions 2021-22, 2022-23, 2023-24 and 2024-25 also.

18. 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.

Submissions on Behalf of the DHE, GNCTD

19. Counter-Affidavit was also filed on behalf of respondent no. 8 i.e. DHE, GNCTD. It is stated that the DHE, *vide* order dated 11.04.2013 issued directions to all the Universities and Colleges under the domain of the GNCTD to adhere to the policy issued by Ministry of Defence, Government of India *qua* the Department of Ex Servicemen Welfare *vide* its Letter D.O. No.3547/AS094 dated 03.06.1994, which included Para-Military Personnel within the ambit of reservation.

20. It is further stated that the DHE by way of the letter dated 06.07.2018 forwarded the letter dated 21.05.2018 of the Ministry of Defence containing a list of priority wise reservations for the wards of the Armed forces to the Vice Chancellors of GGSIP University, Dr. B.R. Ambedkar University, National Law University and Director, Department of Training and Technical Education. It is submitted that thereafter a letter dated 03.08.2018 of Ministry of Home Affairs, Government of India containing the criteria for reservation in respect of wards of paramilitary force/police personnel who are in receipt of President's Police Medal for Gallantry and Police Medal for Gallantry, was forwarded by the DHE with the approval of the then Deputy Chief Minister of Delhi to the aforesaid Vice-Chancellors by way of letter dated 08.05.2019.



21. It is stated that a perusal of the letter dated 08.05.2019 clearly sets out the reservation policy of the wards of Armed Forces must be in terms of the letter dated 21.05.2018 issued by Ministry of Defence, and the reservation policy for the wards of paramilitary and police personnel must be as per the previous academic year i.e. 2018-2019 as communicated by the Ministry of Home Affairs.

Submissions on Behalf of Union of India

22. Learned counsel appearing for the Union of India placed before this Court, a copy of the instructions received from the Ministry of Defence.

23. On the strength of the aforesaid, he submitted that the Ministry of Defence has informed that the letter dated 03.06.1994 is very old and the concerned file is not traceable. However, a copy of the said letter is available in *File No. 6(1)/2017-Res-II*, wherein the new policy letter dated 21.05.2018 was issued. It is further stated that the letter dated 03.06.1994 produced by the DHE is unsigned but in that letter, 'Para-Military' has also been mentioned/added with 'Defence Personnel' while in the unsigned copy in file available with the department, the word 'Para-Military' has not been mentioned. However, it is stated that it has been mentioned in para 2 of letter dated 21.05.2018 issued by the Ministry of Defence that this letter supersedes the letters dated 19.05.2017 and 30.11.2017 on the subject. Further, in para 1 of the letter dated 19.05.2017, it was mentioned that the letter was issued in suppression of all the previous



letters issued on the subject, which would include the letter dated 03.06.1994. Therefore, as on date and after issuance of letter dated 21.05.2018 by the Ministry of Defence, the policy of reservations under Armed Forces quota should not include Para-military personnel or police personnel.

Rejoinder Submissions on Behalf of the Petitioner

24. Learned counsel for the petitioners argues that it is undisputed that the University was exclusively granting reservations for Defence Personnel (excluding Para-Military and Police Personnel) up to the Academic Session 2014-2015. He further submits that, by order dated 11.04.2013, the DHE directed all universities and colleges under the GNCTD to follow the reservation policy prescribed by the Government of India in its letter dated 03.06.1994. In this regard, it is argued that the copy of the letter dated 03.06.1994 circulated by the DHE along with its order was incorrect, as the original copy of the letter held by the Ministry of Defence does not contain the terms “Para-Military” or “Police Personnel,” while these terms are included in the version circulated by the DHE and relied upon by the University. Consequently, the University extended the benefit of reservation under the Defence Category to the wards of Para-Military and Police Personnel in the Academic Sessions 2016-17 to 2018-19 based on this incorrect or non-genuine letter dated 03.06.1994, without proper verification.



25. It is further contended that in the Academic Session 2019-20, the University restricted its reservation policy exclusively to Defence Personnel, in compliance with the letter dated 21.05.2018 issued by the Ministry of Defence. However, in the following Academic Session, i.e., 2020-21 and onwards, the wards of Para-Military and Police Personnel were once again included under the Defence Quota, an act that is alleged to be wholly illegal, unauthorized, and arbitrary.

26. Therefore, it is prayed on behalf of the petitioners that the present petition be allowed.

27. This Court has **heard** arguments advanced on behalf of the petitioners as well as the respondents, and has perused the documents placed on record by the parties.

ANALYSIS & FINDINGS

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



29. In this Court's opinion, the University has framed its reservation policy with respect to 'Defence Category' following the directions issued from time to time by the GNCTD. On the other hand, the GNCTD has relied on communications from both the Ministry of Defence and the Ministry of Home Affairs in this regard. Thus, the University's reservation policy for Defence Category has evolved based on communications from both the Ministry of Defence and the Ministry of Home Affairs.

30. It is apparent from the record that the University up to the Academic Session 2014-2015 used to grant benefits of reservation under the 'Defence Category' only to the widows/wards of Defence Personnel. However, the policy was modified and Para-Military and Police Personnel were included in the existing categories, pursuant to order dated 11.04.2013 issued by the DHE, GNCTD, which directed all the universities to follow the letter dated 03.06.1994 issued by the Ministry of Defence in respect of reservation under Defence category. The said letter dated 03.06.1994, annexed with the order, contained the words 'Para-Military' and 'Police Personnel' under relevant/concerned Priority groups. The order dated 11.04.2013 issued by the GNCTD reads as under:

"The issue of prescribing uniform reservation policy to the wards of armed personnel in the Universities and Colleges of the Government of NCT of Delhi, has been under consideration of government since some time.

After due consideration, it has been decided that all the Universities and Colleges of Govt. of NCT of Delhi, shall follow the policy prescribed by Govt. of India, Department of



Ex-Servicemen Welfare letter No. 3547 / AS(R)94 dated 03.06.1994.”

31. However, pursuant to issuance of letter dated 21.05.2018 by the Ministry of Defence, which restricted reservation exclusively to Defence Personnel and excluding Para-Military and Police Personnel, the GNCTD (by way of letter dated 06.07.2018) directed all the universities to adopt the criteria as mentioned in the said letter. The letter dated 06.07.2018 reads as under:

“Sub.: Inter-se priority for reservation/preference to the wards of Armed Forces Personnel by States/UTs for admission to Medical/Professional/Non-Professional Courses.

Sir/Madam,

Please find enclosed herewith a copy of the letter F.No.6(1)/2017/D(Res.II) dt.21.05.2018 issued by Joint Secretary (Res.II), Department of Ex. Servicemen Welfare, Ministry of Defence, Govt. of India on the subject cited above. **You are requested to implement the same in the University.**

This issues with the prior approval of Hon'ble Deputy Chief Minister/Minister (Higher Education}, Govt. of NCT of Delhi.”

32. Accordingly, in the Academic Session 2019-20, the University adopted the policy as outlined in the aforesaid letter dated 06.07.2018, and restricted the benefit under ‘Defence Category’ only to Defence Personnel, and excluded the Para-Military and Police Personnel from its scope.

33. However, the Ministry of Home Affairs subsequently issued a directive to the University of Delhi (*which used to follow a similar*



policy for Para-Military and Police Personnel but had carried out some changes in the said policy in Academic Session 2018-19) to include Para-Military and Police Personnel within the Defence Category, and urged that the old policy be followed and no changes be made to exclude them from 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.”

34. Consequently, the GNCTD, taking note of this instruction, directed all the universities and colleges, *vide* letter dated 08.05.2019, to follow – (a) letter dated 21.05.2018 by the Ministry of Defence in respect of reservation to widows/wards of Armed Forces Personnel, and (b) the previous years’ policy in respect of reservation to



widows/wards of Para-Military Personnel and wards of Police Personnel who are recipients of Gallantry Awards. The letter dated 08.05.2019 issued by the GNCTD in this regard is extracted hereunder:

“Sub: Reservation in respect of wards of Paramilitary force/Police Personnel,

Sir,

Please find enclosed herewith a copy of letter No. MHA ID No. 11022/37/2009(Part)-PMA dated 03.08.2018 issued by Under Secretary to the Govt. of India, Ministry of Home Affairs Police Division-I (PMA Cell) regarding criteria for reservation in respect of wards of / Paramilitary Force/Police Personnel who are in receipt of President's Police Medal for Gallantry and Police Medal for Gallantry.

Now after due consideration it has been directed by Hon'ble Dy. CM to follow the same reservation policy as per previous year 2018-19 in the forthcoming sessions in admission to the wards of Paramilitary Force/Police Personnel.

The reservation preference policy in respect of wards of Armed Forces shall be as per the letter No. F. 6 (1)/2017/D(Res.II) Govt. of India, Ministry of Defence, Department of Ex-Serviceman Welfare dated 21.05.2018 circulated vide this Directorate letter No No.DHE.6(32)/Court Case/2012-13/3333-39 dated 06.07.2018 (Copy enclosed)

35. Thus, from Academic Session 2020-21 onwards, the University again extended reservation benefits to widows/wards of Para-Military and wards of Police Personnel who are recipients of Gallantry Awards, as granted earlier too. The said policy has been followed by the University since then.



36. 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 Admission Brochure, the term ‘Defence Category’ 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 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 and GNCTD to reconcile directions issued from both the Ministries

37. During the course of hearing, the learned counsel for the petitioners contended that the letter dated 03.06.1994 issued by the Ministry of Defence, which was relied upon for the first time by the GNCTD and the University for granting benefit to the Para-Military and Police Personnel, was not a genuine letter and the original letter, in fact, contained no such mention of the words ‘Para-Military’ or ‘Police Personnel’. Learned counsel appearing for the Union of India also, on instructions from the Ministry of Defence, supported these arguments of the petitioner.

38. Without going into the said controversy at this stage, this Court is of the view that as on date, it remains clear that the reservation pertaining to Armed Forces Personnel has to be governed by the



letter dated 21.05.2018 issued by the Ministry of Defence, which was indeed followed by the University in the Academic Session 2019-20. Notably, it was on the basis of a communication from the Ministry of Home Affairs (extracted above) that the reservation under 'Defence Category' was again expanded to include widows/wards of Para-Military Personnel, and wards of Police Personnel who are recipients of Gallantry Awards.

39. Be that as it may, 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.

40. 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.

41. Recently, the similar reservation policy (though in case of University of Delhi) 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 petitioner therein under Priority (V)(viii) i.e. wards of recipients of Sena Medal (Gallantry). The Division Bench noted that for being eligible under the Armed Forces reservation 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 University of Delhi, 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 Armed Forces reservation 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 followed by the University.



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

43. This Court further observes that the petitioner's challenge to the Admission Brochure, released in early 2024 by the University, has been brought at a delayed stage. As apparent from the form filled by the petitioner, annexed as Annexure P-III(colly), the petitioner had applied for admission in the University in February, 2024. It is evident that the petitioner, by participating in the admission process, had constructive notice of the policy and yet opted to challenge it only at the final stages of the process. Learned counsel for the University had also informed during the course of hearing that the petitioner had also applied for admission in the colleges affiliated to the University in the previous academic session, when the same reservation policy was being followed, and she had not made any challenge to the same.

44. In this background, a reference can be made to the decision of Coordinate Bench of this Court in ***Sonam Rawal v. University of Delhi***, 2023 SCC OnLine Del 375, wherein the law relating to binding nature of Prospectus/Admission Brochure/Bulletin of



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Information was discussed. The relevant paragraphs of the decision are extracted hereunder:

“20. Again, a Coordinate Bench in *Hritik Rana v. Delhi Sports Council*, 2020 SCC OnLine Del 1822, emphasized on the binding character of the terms of brochure as well as on the principle of estoppel that a candidate cannot after having unsuccessfully participated in the selection process turn around and challenge the terms of criteria of the admission brochure. The relevant paragraphs of the judgment reads as under:—

“14. it is settled legal position that the terms of the brochure are binding upon a candidate. A candidate cannot after having participated in the selection process and after having been rejected for any reasons turn around and challenge the terms of the criteria of the admission brochure. In the present case, the petitioner has applied under the Bulletin of Information. He cannot after having participated in the selection process turn around and seek to challenge the terms of the stipulated in the selection process. In this context reference may be had to the judgment of a Coordinate Bench of this court in the case of Priyanka Chaudhary v. National Board of Examinations, 2016 SCC OnLine Del 5691 where this court held as follows:—

“11. The petitioners were well aware of the rules laid down by the information bulletin and despite the same the petitioners participated in the counseling process without any demur. The petitioners have opted for confirmed seats and have taken admission. No doubt that the petitioners are meritorious, but on account of the application of the rules as laid down by the information bulletin, which is clear in terms of its application, the petitioners are clearly ineligible to participate in the second round of counseling commencing from 21st October, 2016.

(emphasis supplied)...”

45. Further, 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.

46. Thus, this Court is not inclined to quash the Admission Brochure issued by the University insofar as it stipulates the reservation policy relating to Defence Category.

47. 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.

48. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

NOVEMBER 11, 2024/zp