

(2011) 07 DEL CK 0257

In the Delhi High Court

Case No : Writ Petition (C) No. 4675 of 2011

Ritu Vats

APPELLANT

Vs

Vice Chancellor University of Delhi

RESPONDENT

Date of Decision : 07-07-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 07 DEL CK 0257

Hon'ble Judges : Kailash Gambhir, J

Bench : Single Bench

Advocate : Santosh Singh, J.S. Marahatta and Rakesh K. Mudgal, for the Appellant; Maninder Acharya, for the Respondent

Final Decision : Dismissed

Judgement

Kailash Gambhir, J.

1 By this petition filed under Article 226 of the Constitution of India, the Petitioner seeks directions to direct the Respondent to give admission to the Petitioner under the "reservation for defence category" under the clause "wards of ex-servicemen" in the LLB course.

2. Facts of the case shorn of unnecessary details are that the Petitioner herein is a daughter of an ex-serviceman of the forces and had applied for admission in LLB three years course in the Respondent Delhi University under 5% reservation for wards of defence personnel as per Note 9 for admission to LLB Course in the Information Bulletin of the Respondent University. As per the Petitioner, in the entrance examination she has secured 301 marks and 1415 position in the general category and 17th position in the reserved category. The grievance of the Petitioner is that the Petitioner was not called for interview for admission in the said course despite her 17th position in the reserved category as she was told that she was not eligible for the admission because she did not fit into any of the categories of the reserved category for defence personnel. Feeling aggrieved with

the action of the Respondent university, the Petitioner has approached the writ court for relief.

3. Ms. Maninder Acharya, learned Counsel for the Respondent has contended that the Petitioner has made misrepresentation by placing on record the extract alleged to have been taken from the Information Bulletin of the Delhi University concerning the admission in the three years LLB course 2011 wherein under Note 9, Clause (v) the wards of ex-servicemen and under Clause (vi) wards of service personnel can also be categorized in the priority list under the reserved category for wards of armed forces. Ms. Acharya has produced a copy of the original Information Bulletin and in Note 9 of the said bulletin there is no such category relating to the wards of ex-servicemen and wards of serving personnel. Ms. Acharya submits that the present Petitioner who is a ward of ex-serviceman cannot be granted any priority in terms of the said reserved category for wards of armed forces.

4. On the other hand, learned Counsel for the Petitioner has submitted that the relevant extract has been taken from the Information Bulletin of Respondent university and Clause (vi) of Note 9 of the same does cover the case of all the wards of ex-servicemen personnel but wrongly the university has excluded the two categories i.e. wards of ex-servicemen and wards of serving personnel. Counsel also submits that the said criterion has been laid down by the university in terms of the directions given by the Hon"ble Supreme Court in the matter of Islamic Academy of Education and Ors. v. State of Karnataka and Ors. (W.P.(C) No. 350/1993). Counsel has also placed reliance on the order dated 10.2.2004 issued by the Department of Training & Technical Education, Government of Delhi wherein the reservation under the defence category has been made strictly in terms of the W.P.(C) No. 4675/2011 Page 3 of 7 directions given by the Hon"ble Supreme Court in the abovementioned judgment.

5. I have heard learned Counsel for the parties.

6. Admittedly, the Petitioner is the daughter of an ex-serviceman and she is seeking admission in three years LLB course in Delhi University. It is not in dispute that the Petitioner has appeared in the entrance examination conducted by the Respondent University wherein she has secured 1415 position in the general category and 17th position in the reserved category. It is the case of the Petitioner that the total number of seats in the reserved category meant for the defence are 135 and the Petitioner having secured 17th rank is entitled to admission. It is also the case of the Petitioner that on 4.7.2011 she was shocked to know that she was not eligible for admission in the said course because she did not fit into any of the categories of the reserved quota for defence personnel. The Petitioner in prayer para has sought directions to direct the Respondents to give her admission under the clause "wards of ex-servicemen" under reservation for defence category.

7. A perusal of the said copy of the Information Bulletin clearly shows that there

is no such category which can cater to the wards of ex-servicemen. It is only the wards of ex-servicemen and serving personnel who have received gallantry award that have been categorized in the order of preference under Clause (v) of Note 9 of the Information Bulletin of the University of Delhi. For better appreciation of the facts, Note 9 is reproduced as under:

(9) The Widows/Wards of defence personnel (CW) shall be admitted as per 5 priorities listed below:

(i) Widows/Wards of Defence personnel killed in action;

(ii) Wards of serving personnel and ex-servicemen disabled in action;

(iii) Widows/Wards of Defence personnel who died in peace time with death attributable to military service;

(iv) Wards of Defence personnel disabled in peace time with disability attributable to military service;

(v) Wards of Ex-servicemen Personnel and serving personnel of the Defence/ Armed Forces and all Police Forces who are in receipt of Gallantry Awards.

8. Evidently, the said copy of the extract as placed on record by the Petitioner as Annexure P-4 at pages 18-19 of the paper book are not the same as the said Note relating to the reservation for armed forces reproduced above. Similarly, in para 2 of the petition the Petitioner has placed reliance on the said non-existing clause. So far the reliance placed by the counsel for the Petitioner on the Office Order issued by the Government of Delhi, Department of Training and Technical Education is concerned, the same cannot be of any help to the case of the Petitioner as in Note 9 of the Information Bulletin of the Respondent Delhi University, no provision has been made for the wards of ex-servicemen. In the absence of any such category, no relief can be granted by this Court in favour of the Petitioner. In fact the Petitioner should have been careful enough to have filed correct copy of the said extract instead of producing an incorrect copy. The Petitioner has also been negligent as she has also reproduced incorrect extract in the petition as well.

9. In the light of the above, there is no merit in the present petition, accordingly the same is hereby dismissed. This Court is not imposing any cost on the Petitioner considering the fact that she is a student but she is warned to remain careful in future.