
(2001) 08 DEL CK 0051
In the Delhi High Court
Case No : C.W. No. 2924/01

Shri Bipin Kumar

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 07-08-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 93 DLT 704 : (2001) 60 DRJ 256

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : Mr. Kapil Dev Singh, for the Appellant; Mr. S.K. Luthra, for the Respondent

Final Decision : Dismissed

Judgement

Mukul Mudgal, J.—Rule.

2. With the consent of the parties, the matter is taken up to day for hearing.

3. The petitioner by this writ petition, filed under Article 226 of the Constitution of India, 1950 seeks a Writ of Mandamus against the University of Delhi and its functionaries and in particular the provost of Mansarowar Hostel, University of Delhi.

4. The prayers made in the writ petition are as under:

"(a) Issue a writ of certiorari and/or any other order, writ or direction of like nature quashing the impugned notice dated 25/04/2001 (Annexure P-4) to the extent it supersedes the merit of the petitioner.

(b) issue a writ of Mandamus and/or any other order, writ or direction or like nature commanding the Respondent Nos. 3-5 to grant admission to the petitioner in the Mansarowar Hostel forthwith."

5. The petitioner has claimed in the writ petition that one Shri Hirdey Pal Singh

respondent no.6 herein, LLM 1st year Student figuring below the petitioner in the merit list, based on LLM Entrance Examination, was granted hostel accommodation. The petitioner submits that he was denied such hostel accommodation which he was entitled to in view of his attaining 11th Rank in the LLM Entrance Examination, conducted by the University of Delhi, Faculty of Law as compared to the 17th Rank, obtained by respondent No.6-H.P. Singh.

6. The respondents, represented through Shri S.K. Luthra, the learned counsel, in their counter affidavit, filed pursuant to the Court notice has contended that irrespective of the merits of the case, raised in the writ petition, the allotment to Shri H.P. Singh, respondent No.6 is made under the "Provost Quota" and the petitioner himself in the year 1997 as a LL.B. student was allotted hostel accommodation under the "Provost Quota" and in this view of the matter, the petitioner is estopped from challenging any allotment, made under the "Provost Quota". He has further referred to the fact that the earlier allotment made to the petitioner as a LL.B. student was from 3rd February, 1997 till 31.10.1999 and thereafter up to date has stayed on in the hostel illegally. He also refers to a theft alleged in writing against one employee Anil on 26.5.2000 by the petitioner which established his unauthorised stay. He further relied upon the complaint by the said Anil About his being beaten up by the complainants which included the petitioner. The learned counsel for the petitioner, however, submits that there is no "Provost Quota". In my view, whether or not a "Provost Quota" exists, the petitioner was certainly the beneficiary of "Provost Quota" and the existence or non-existence of such a "Provost Quota" cannot be investigated at the petitioner's behest.

7. The learned counsel for the petitioner has contended that the allotment made under the "Provost Quota" may have been made suo motu but it had not been so sought by the petitioner. It may not be out of place to mention that the petitioner is today aged 28 years and has previously pursued other post Graduate Studies in the Delhi University such as MA previous (History) in 1995 when he stayed in the same hostel which he abandoned half way thorough the course. The original documents regarding "Provost Quota" allotment has been shown to me as well as the counsel for the petitioner by the learned counsel for the respondents in Court today and upon perusing the documents, I am satisfied that since the petitioner was a beneficiary of a "Provost Quota" allotment in the year 1997, irrespective of the fact that whether or not he himself sought that allotment under the "Provost Quota", he is estopped from and not entitled to challenge the "Provost Quota" allotment, made to respondent No.6-H.P. Singh. I am, Therefore, not considering the legality of the "Provost Quota" or the correctness of the other averments raised by the parties in this writ petition.

8. In this view of the matter, I am satisfied that the writ petition deserves dismissal and the petition is accordingly dismissed. However, before I part with the case, I must record my appreciation of the excellent drafting and the able presentation of the case by the young Advocate, Shri Kapil Dev Singh. There shall

be no orders as to costs.