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

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Date of Decision: 01.07.2026

+ **W.P.(C) 8439/2026**

JUSTICE FOR ALL

.....Petitioner

Through: Mr. Khagesh B. Jha, Adv.

Versus

HONBLE LIEUTENANT GOVERNOR GOVT
OF NCT OF DELHI AND ORS

.....Respondents

Through: Ms. Anita Sahani, Adv. for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

DEVENDRA KUMAR UPADHYAYA, CJ. (Oral)

CM No.39448/2026

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

W.P.(C) 8439/2026 & CM No.39447/2026

3. Heard Mr. Khagesh B. Jha, learned Counsel for the Petitioner.
4. The present Petition, as a Public Interest Litigation, has been filed to challenge Rule 8(2)(a)(v) 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) Rules, 2007 ("**Rules**"). The Petition also challenges the Admission Brochure issued for making admission for the Academic Session 2026-27 which permits de-reservation of reserved category seats and conversion of Delhi Quota seats



into Outside Delhi Quota seats at the time of Management Quota Admissions. A direction has further been sought that Respondents be directed to conduct the common, centralized, transparent and online counselling process for all seats including the 10% Management Quota Seats (“MQS”) through the designated agency under the supervision of the Admission Regulatory Committee (“ARC”) and also to do away with cap of two rounds of counselling for MQS and to hold additional online rounds, which may be necessary to ensure that all seats are filled strictly on merit, transparently and in conformity with the scheme and objective 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 (“Act”).

5. A prayer has also been made for issuing a direction to the Respondents for framing and implementing a mandatory Standard Operating Procedure for making admission against MQS, in terms of recommendations made by the ARC in its proceedings dated 30.12.2025.

6. For challenging the Rule 8(2)(a)(v) of the Rules, it has been argued by the learned Counsel for the Petitioner that the said Rule is not in conformity with the provisions of the Act inasmuch as “Common Entrance Test” (“CET”) has been defined in Section 2(d) of the Act to mean the entrance test conducted for determination of merit which is to be followed by centralized counselling and that, as per Mr. Jha, learned Counsel for the Petitioner means, the CET will include counselling, however, Rule 8(2)(v) of the Rules permits the institutions to prepare their own merit list for the purposes of making admission against MQS. In this view, his submission is that such a prescription in Rule 8(2)(v) of the Rules runs contrary to Section 2(d) of the



Act. Having considered the aforesaid submissions, we do not find any force in the grounds taken to challenge Rule 8(2)(a)(v) of the Rules.

7. If we examine the Scheme of the Act for admission, what we find is that Section 12 of the Act prescribes for allocation and reservation of seats and Section 12(a) of the Act provides that 10% of the total seats in an unaided institution shall be allocated as MQS. Further, Section 13 of the Act provides the manner of admission according to which an institution shall make admission through a CET to be conducted by the designated agency in such manner as may be prescribed. The designated agency has been defined in Section 3(g) of the Act to mean an agency designated by the government for conducting the CET and counselling for admission in the institution.

8. The proviso appended to Section 13 of the Act is relevant for the purposes of considering the submission made by the learned Counsel for the Petitioner. According to which MQS are to be filled in by advertisement and from the candidates who have qualified the CET by the institution in a transparent manner based on the merit at the qualifying examination.

9. Thus, as per the scheme embodied in Section 12 of the Act read with Section 13 of the Act including the proviso appended thereto, for the purposes of making admissions against the MQS, an institution is required to make advertisement and, thereafter, make admissions from amongst the candidates, who have qualified the CET. That, in our considered opinion, would not include any qualification in the counselling as well. On the basis of CET, the merit list is prepared and counselling is held by the designated agency for the purposes of making admission to 90% seats, that means, the seats excluding the MQS, which as per Section 12(a) of the Act is 10% of the total seats. These 10% of the seats, which are in management quota are, thereafter filled in by



the institution concerned after making an advertisement and selecting the candidates from amongst those who have qualified the CET conducted by the designated agency.

10. It is also to be noticed that the proviso appended to Section 13 of the Act clearly provides that MQS shall be filled in by the institution on the basis of merit at the qualifying examination. Section 13 of the Act provides manner of admission according to which all admissions which would include admissions against MQS as well are to be made in such manner as may be prescribed. The term “prescribed” has been defined in Section 3(t) of the Act to mean as prescribed by the Rules made under the Act. The Rules has been made under Section 23 of the Act and, therefore, Rules are referable to Section 3(t) of the Act. The prescription for mode of admission as far as MQS are concerned is given in Rule 8(2)(a) of the Rules and sub-clause (v) of Rule 8(2)(a) of the Rules provides that merit list will be drawn and institution concerned shall conduct admission counselling for allotment of branches of the courses to qualified applicants within a specified time from the drawing of the merit list of qualified management quota applicants. The submission on behalf of the Petitioner is that the private unaided institution conducts counselling simultaneously, which disallows a candidate to participate in the counselling for seeking admission to more than one such institutions and, therefore, such a procedure being adopted by the private unaided institutions is non-transparent and impinge the right of a candidate to seek admission to an institution of his choice according to his merit.

11. The aforesaid ground, in our considered opinion, does not make Rule 8(2)(a)(v) of the Rules bad in law. As already observed above, the scheme of the Act permits an institution to make admission against the MQS once the



counselling by designated agency is over for making admissions against rest of the 90% seats. The proviso appended to Section 13 of the Act clearly empowers the institutions to advertise and fill-up the MQS from amongst the candidates who have qualified the CET.

12. If the submission of learned Counsel for the Petitioner is acceded to, the same will amount to all the seats including the MQS being filled in from amongst the candidates who have qualified the CET and are subjected to counselling by the designated agency. That submission, if accepted, will make the provisions contained in proviso to Section 13 of the Act redundant. Accordingly, we are not convinced with the submissions made by the learned Counsel for the Petitioner in so far as challenge to Rule 8(2)(a)(v) of the Rules is concerned.

13. For rest of the prayers regarding a direction to the private unaided institutions to conduct counselling in an online mode and other grievances raised in the Petition, we permit the Petitioner to raise its grievances before the ARC constituted under Section 4 of the Act, which *inter alia* is mandated under Section 4(12) of the Act to regulate the procedure of admission in institutions and suggest the guidelines to the government to ensure a fair, transparent, merit-based and non-exploitative procedure to be adopted by the government under the provisions of the Act. Accordingly, the ARC which is statutory in nature having been constituted under Section 4 of the Act is responsible for making suggestions, if any such discrepancy is noticed in the admission process.

14. In the aforesaid view, we permit the Petitioner to make an exhaustive representation raising the grievances relating to the alleged discrepancy, which may occur to the ARC within a fortnight from today and in case any



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such representation is made, the same shall be considered and appropriate measure shall also be taken by the ARC, with expedition.

15. The present Petition is disposed of with the aforesaid direction. The pending Application also stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JULY 1, 2026

‘gsr’