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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10897/2019 and CM APPL. 45079/2019**

NIKHIL RANA Petitioner

Through: Mr. Shrey Tanwar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) AND ORS. Respondents

Through: Ms. Hetu Arora Sethi, ASC with Mr. Arjun Basra, Advocate for R-1.
Dr. Vikrant Narayan Vasudeva, Mr. Sarthak Chiller and Mr. Rohit Lochan, Advocates for R-2.
Mr. Avnish Singh, SPC with Ms. Pushplata Singh, Advocate.
(through VC)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
28.11.2023

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1. Heard learned counsel appearing on behalf of the parties for some time.
2. During the course of hearing, it is noticed that this court on 14.10.2019 passed the following order:

"C.M. No.45078/2019

1 Allowed, subject to just exceptions.

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2 The petitioner is aggrieved by the notice of cancellation of admission dated 13.09.2019 issued by respondent No.2 i.e. Maulana Azad Institute of Dental Science (in short 'MAIDS').



2.1 The impugned notice has been issued for the reason that the OBC certificate produced by the petitioner containing the caste does not find mention in the central OBC list. The petitioner belongs to "Jaat community". It is the petitioner's case that at the time of counselling and certificate verification, this aspect was not pointed out to her.

3 On the other hand. Dr. Vikrant Narayan Vasudeva, who appears for MAIDS, says that in the Information Bulletin, it is indicated that OBC status of only those castes will be recognized which find mention in the central OBC list. It is the submission of learned counsel for MAIDS that the petitioner was granted admission provisionally.

4 MAIDS will, to my mind, have to state the aforesaid facts on affidavit and demonstrate that the admission to the petitioner was granted provisionally. What is required to be examined is whether MAIDS contributed to the error which was committed wittingly or unwittingly.

5 Accordingly, issue notice. Mr. Satyakam accepts notice on behalf of respondent No.1/GNCTD while Dr. Vikrant Narayan Vasudeva accepts notice on behalf of MAIDS.

5.1 Likewise, Mr. Avnish Singh accepts notice on behalf of respondent No.3/UOI.

6 Let the counter affidavits be filed within three weeks. Rejoinder(s) thereto, if any, will be filed before the next date of hearing.

7 Renotify the matter on 30.01.2020.

8 In the meanwhile, the operation of the impugned notice dated 13.09.2019 shall stand stayed.

9 It is made clear that merely because an interim order has been passed, the petitioner will not claim any equities in the matter if he ultimately fails in the writ petition."

3. Undoubtedly, it was made clear that at the time of hearing, the petitioner shall not claim any equity on the basis of the interim order passed on 14.10.2019.

4. However, the fact remains that by this time, the course of the petitioner has substantially progressed.

5. It is thus seen that, at this stage, if the admission of the petitioner is cancelled, the petitioner would suffer irreparably.

6. It is also to be noted that in the instant petition, admittedly, the admission was granted and thereafter, the show cause notice was given to the petitioner.



7. Even the seat which was utilised by the petitioner cannot be reutilised by any other suitable candidate at this point. There does not seem to be any suppression on the part of the petitioner.
8. Taking into consideration the aforesaid aspect, this court deems it appropriate to confirm the interim order dated 14.10.2019. The same is, accordingly, confirmed.
9. The petition is disposed of along with pending application.
10. It is made clear that this order shall not be treated as a precedent for any other matter.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 28, 2023/p/kv

Click here to check corrigendum, if any