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

+ **W.P.(C) 1970/2011 & CM APPL. 47869/2019**

VIJAY KUMAR SHARMA

..... Petitioner

Through:

versus

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL
INSTITUTIONS & ORS

..... Respondent

Through:

Mr. Pritish Sabharwal, Advocate for
Jamia Milia Islamia.

Ms. Arunima Dwivedi, CGSC with
Ms. Pinky Pawar, Mr. Aakash Pathak,
Advocates.

Mr. M. Tarique Siddiqui and Ms.
Jyotsna Bhardwaj, Advocates for R-6,
R-7, R-9 and R-10.

+ **W.P.(C) 2934/2011 & CM APPL. 7196/2015**

AWANISH KUMAR

..... Petitioner

Through:

Mr. K.K. Rai, Sr. Advocate with Mr.
Awanish Kumar, Ms. Tandon, Mr.
S.K. Pandey, Mr. Chandrashekhar
and Mr. Anshul Rai, Advocates.

versus

JAMIA MILLIA ISLAMIA UNIVERISTY & ORS..... Respondent

Through:

Mr. Pritish Sabharwal, Advocate for
Jamia Milia Islamia

Mr. Subhash Tanwar, CGSC with Mr.
Sandeep Mishra and Mr. Ashish
Choudhary, Advocates.

Mr. M. Tarique Siddiqui and Ms.
Jyotsna Bhardwaj, Advocates for R-6,
R-7, R-9, R-10 and R-13.



- + **W.P.(C) 3320/2011**
CENTER FOR PUBLIC INTEREST LITIGATION Petitioner
- Through: Mr. Suroor Mandan, Advocate.
versus
UNION OF INDIA & ORS Respondent
- Through: Mr. Prithish Sabharwal, Advocate for
Jamia Milia Islamia
Mr. M. Tarique Siddiqui and Ms.
Jyotsna Bhardwaj, Advocates
- + **W.P.(C) 4219/2011 & CM APPL. 1016/2015**
NASEEM AHMED QURESHI Petitioner
- Through:
versus
JAMIA MILLIA ISLAMIA, THR. ITS REGISTRAR..... Respondent
- Through: Mr. Prithish Sabharwal, Advocate for
Jamia Milia Islamia
Mr. M. Tarique Siddiqui and Ms.
Jyotsna Bhardwaj, Advocates
- + **W.P.(C) 4245/2011**
KOMAL Petitioner
- Through:
versus
JAMIA TEACHERS ASSOCIATION & ORS. Respondent
- Through: Mr. Prithish Sabharwal, Advocate for
Jamia Milia Islamia
Mr. Dev P. Bhardwaj, CGSC with
Ms. Chaahat Khanna, Advocate for
Union of India.
Mr. M. Tarique Siddiqui and Ms.
Jyotsna Bhardwaj, Advocates
- + **W.P.(C) 4322/2011 & CM APPL. 15736/2023**
MANOJ KUMAR & ORS Petitioner



Through:
versus
NATIONAL COMMISSION FOR MINORITY EDUCATIONAL
INSTITUTIONS & ORS Respondent

Through: Mr. Pritish Sabharwal, Advocate for
Jamia Milia Islamia
Mr. Dev P. Bhardwaj, CGSC with
Ms. Chaahat Khanna, Advocate for
Union of India.

+ **W.P.(C) 4035/2023**
AKANSHA GOSWAMI Petitioner

Through: Mr. Arun Bhardwaj, Sr. Advocate
with Mr. Nishant Bahugana, Mr.
Ayush Saxena and Ms. Ritu
Bhardwaj, Advocates.

versus
JAMIA MILIA ISLAMIA & ORS. Respondent

Through: Mr. Pritish Sabharwal, Advocate for
Jamia Milia Islamia
Ms. Monika Arora, CGSC with Mr.
Subhrodeep Saha and Mr. Yash
Tyagi, Advocates
Mr. OM Prakash, SPC, UOI with Mr.
Nitish Pande, Ms. Swati Mishra and
Mr. Chandresh Pratap, Advocates.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
17.08.2023

1. On 11th July 2019, this Court took note of an order issued by the
Hon'ble Supreme Court dated 12th February 2019 in the matter of *Aligarh*



Muslim University v. Naresh Agarwal and Ors., Civil Appeal No. 2286/2006 and passed the following order:

“Mr. Jayant Bhushan learned Senior Counsel appearing for Jamia Millia Islamia University has drawn our attention to order passed by the Hon'ble Supreme Court in Civil Appeal No. 2286/2006 on 12th February, 2019, referring the matter to a seven Judges Bench for authoritative pronouncement on the question formulated for an answer in W.P.(C) 317/1993 (T.M.A. Pai Foundation &Ors. V. State of Karnataka &Ors.) regarding treating an educational institution as a minority institution besides the correctness of the view expressed in the judgment delivered by the Supreme Court in S. Azeez Basha v. Union of India, 1968 1 SCR 833. Learned Senior Counsel therefore submits that this batch of writ petitions be adjourned to await the outcome of the decision of the seven Judges Bench of Hon'ble Supreme Court, as it will have direct bearing on the issues raised in these writ petitions.

Accordingly, list these matters in the category of "Regular Matters" in the week commencing 4th November, 2019, subject to overnight part heard.

In the meanwhile, learned counsel appearing for Union of India is permitted to file additional affidavit in these matters, as prayed for.”

2. Today, Petitioner's Counsel ardently pressed for an immediate hearing, notwithstanding the pending decision of the Supreme Court. On the contrary, the Respondents' Counsel underscored the unresolved status of the aforementioned case in the Supreme Court and argued for deferral. They specifically drew attention to the precise question laid before the 7-judge bench of the Hon'ble Supreme Court:

“3(a) What are the indica for treating an educational institution as a minority educational institution? Would an institution be regarded as a minority educational institution because it was established by a person(s) belonging to a religious or linguistic



minority or its being administered by a person(s) belonging to a religious or linguistic minority?"

3. Central to our deliberations is the status of Respondent No. 1 University as a minority educational institution. The query presented to the Hon'ble Supreme Court's 7-judge bench, though distinct, has aspects that intersect with the central issue we must resolve. In light of this, we find it prudent to adjourn the hearing.

4. List on 22nd November 2023.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

AUGUST 17, 2023
N.Khanna