

Vikas Pathania Vs. U.S.i.

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Court : Delhi

Decided On : Jul-17-1996

Reported in : 1996RLR443

Judge : M.M. Sareen, J.

Acts : [Constitution of India](#) - Article 14

Appeal No. : Civil Appeal No. 1072 of 1996

Appellant : Vikas Pathania

Respondent : U.S.i.

Advocate for Pet/Ap. : B.P. Ojha,; Jitender Sharma,; Meenakshi Vij and;

Judgement :

Jaspal Singh, J.

(1) There are certain rules for eligibility for entrance exams. for admission to MBBS/BDS course. The essential qualifications for general category are :

'B.ESSENTIAL Qualifications For General Category : Candidates who have appeared/passed 12th Class Exam. under 10+2 system conducted by the C.B S.E / Council for the Indian School Certificate Exam./Jamia Millia Islamia, New Delhi (Except Patrachar Vidyalaya and Open Schools) with required subjects i.e.

Physics, Chemistry, Biology. Botany & Zoology) and English (Core or Elective) securing minimum 50% marks in aggregate in these subjects from the Recognised Schools conducting regular Classes situated within the National Capital Territory of Delhi only will be eligible for the University of Delhi.'

(2) The grievance of the petitioner is that though he is a bonafide permanent resident of Delhi, the above qualifications completely debar him from sitting in the entrance examination in the General Category because he did not pass Cbse examination from any of the Recognised Schools conducting regular classes situated in Delhi. This, he feels is violative of Article 14 of [Constitution of India](#). We tend to disagree.

(3) It is not disputed that similar eligibility Rules are in force in as many as eleven Indian States. It is also not disputed that the impugned eligibility conditions with regard to General Category were challenged on the same ground in C.W.P. No. 1247/94 titled as Pooja Malik vs. Univ. of Delhi and was dismissed in line with the following observations :

'THE conditions stipulated by the University of Delhi in the notification have been in existence all these years and we do not find that any constitutional right of the petitioner has been violated any way. This petition has, therefore, no merit. Dismissed.'

(4) Keeping in view the observations made in Pooja's Malik's case which seem to have inspired by the judgment of the Supreme Court in Pradeep Jain v. 1984 (2) SCC 645 upholding the reservation in admission on the basis of residence requirement and Constitution reservations, we find no force in the present, writ petition. It is not that the right of the petitioner to appear in the All India Entrance Test for admission to medical colleges under the University of Delhi or all over India has been taken away. He has that right. We may mention that 15% of the total number of seats are admittedly to be filled up on the basis of All India Entrance Examination. Thus the requirement emphasised in Dr. Dinesh Kumar v. Moti Lal Nehru Medical College : [1986]3SCR345 stands fully satisfied. We further feel that the following observations made in para. 10 of Anand Madan v. State of Haryana : AIR 1995 SC955 clinch the issues : '10. In the present case, the

reservation which has been made on the basis of candidates having studied for the proceeding three years in recognised schools/colleges in Haryana is in respect of these 85% of seats. It excludes 15% seats which have to be filled in on an all-India basis. The eligibility criterion, therefore, is in conformity with the decisions of this Court referred to above. It cannot, therefore, be considered as arbitrary or unreasonable or violative of Article 14 of the Constitution.'

(5) The eligibility criterion, therefore, is in conformity with the abovementioned judgments of the Supreme Court and consequently cannot be said to be unreasonable, arbitrary or violative of the Constitution. The writ petition is consequently, dismissed with no order as to costs.

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