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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 803/2014

DELHI UNIVERSITY SC/ST/OBC TEACHERS FORUM

AND ANR

..... Petitioners

Through : Mr Divya Jyoti Jaipuria, Advocate.

versus

UNIVERSITY OF DELHI AND ORS

..... Respondents

Through : Mr Mohinder J.S.Rupal and Ms Simran Jeet,
Advocates for R-34 & 58.

Mr Rakesh Khanna, Senior Advocate with
Mr Rajeev Saxena, Advocate for the applicant.

Mr Amit Mahajan, Central Government
Standing Counsel for the Union of India/R-71.

Mr Navin Chawla and Mr Anurag Sharma,
Advocates for R-30.

Mr Amit Bansal, Ms Manisha Singh, Ms Seema
Dolo and Mr Akhil Kulshrestha, Advocates for
R-6,9,33,53 & 55.

Ms Avnish Ahlawat, Advocate for NSIT.

Mr Satyakam, Advocate for R-70/GNCTD.

Mr Amit Khemka, Advocate for R-32.

Mr A.P.S.Ahluwalia, Senior Advocate with
Mr S.S.Ahluwalia, Advocate for R-15, 16, 25,
35, 37, 44, 61, 62 & 63.

Mr Rajesh Ranjan and Ms Neha Rajpal,
Advocates for R-67.

Mr Apoorv Kurup and Mr Rohit Rathi,
Advocates for R-2.

Mr R.P.Sharma, for Mr Vaibhav Mehra,
Advocate for R-23.

Mr U.Hazarika, Senior Advocate with
Mr Santosh Kumar, Advocate for R-1.

Mr Rajinder Dhawan, Advocate for
R-29,40,52,59,60 & 64.

Mr Anurag Mathur, Advocate for
R-18,10,11,46,47,48,54,68 & 69.

Ms Beena Shaw N.Soni, Advocate for
R-3,7,12,13,17,22,27,31,36,42 & 49.

CORAM:
HON'BLE MR. JUSTICE BADAR DURREZ AHMED
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **03.02.2016**

In this petition, which has been filed by two Associations, we find that a grievance has been made with regard to the Roster Point System, which is being followed by the Delhi University and the other Colleges within the ambit of the Delhi University. It is the grievance of the petitioners that candidates belonging to the SC, ST and OBC categories are not being given the sufficient number of seats, as per the guidelines given by the Central Government. According to the learned counsel for the respondents, a preliminary objection had been raised that this writ petition is not maintainable, as a PIL in a service matter ought not to be entertained. They have placed before us a decision of the Division Bench in the case of **Ashok Kumar Bansal v. Union of India & Ors** : (2014) 2012 DLT 308, where this Court after noticing the Supreme Court decisions in - **(i) Dr. Duryodhan Sahu v. Jitender Kumar Mishra** : (1998) 7 SCC 273; **B.Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees' Assn** : (2006) 11 SCC 731 (2); **Dattaraj Nathuji Thaware v. State of Maharashtra** : (2005) 1 SCC 590; **Ashok Kumar Pandey v. State of West Bengal** : (2004) 3 SCC 349; and **Hari Bansh Lal v. Sahodar Prasad Mahto** : (2010) 9 SCC 655, observed as under:-

“From the above, it is evident that except in the case of a writ of quo warranto, public interest litigation in a service matter is not maintainable. Since we have already observed that the present matter has the trappings of a service matter, and since this writ petition is not filed by a person immediately and directly aggrieved by the order of extension, the present writ petition, in our view, is not maintainable.

Consequently, without going into the arguments on merits sought to be raised by the learned Counsel for the petitioner, we are not inclined to entertain this writ petition at the threshold on the ground that a writ petition filed as public interest litigation in a service matter cannot be entertained by us. The writ petition is dismissed. There shall be no order as to costs.”

In the present case also, we are of the view that it has the trappings of a service matter. The persons directly affected or likely to be affected have not approached this Court. Furthermore, the persons, who would be affected, if any orders are passed by this Court and, who ought to have been impleaded as respondents, have also not been impleaded. We are informed by the learned counsel for the respondents that after the filing of the writ petition, approximately 800 appointments have been made by the Delhi University and its Colleges and all these appointments, because of the order passed initially on 05.02.2014, are subject to the final outcome of this writ petition. Those persons have not been made parties to the present proceeding and their appointments are also placed in a precarious position.

The learned counsel for the respondents states that the Delhi University is following the guidelines of the Central Government and the University Grants Commission. They further state that the roster has been prepared as per the guidelines. But we are not getting into the merits of the matter inasmuch as we are of the view that the petition is not maintainable being a service matter.

Considering the totality of circumstances and, particularly, that this is a service matter, we are not entertaining this Public Interest Litigation. If there are any individuals, who are aggrieved by the Roster Point System, that is being followed by the Delhi University and its Colleges, it would be open to them to seek appropriate remedies from the appropriate forum in accordance with law in the individual cases.

The writ petition is dismissed.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 03, 2016

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