



\$~28

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

+ **W.P.(C) 2042/2025**

BHAWESH KUMAR CHOUDHARY

.....Petitioner

Through: Mr. Yashaswi S.K. Chouksey, Mr.
Abhisek Kumar, Mr. Mukesh Kumar
and Mr. Madhup Tiwari, Advocates
with petitioner in person

versus

UNIVERSITY OF DELHI AND OTHERS

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra,
Advocates for DU

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **07.03.2025**

CM APPL. 12516/2025 (interim relief)

1. The present application has been moved seeking following reliefs:-

“a) Direct the Respondents to give provisional admission to petitioner in PHD, Political Science, Department of Political Science, University of Delhi under the PwBD category subject to the outcome of the present writ petition; and/or

b) Pass such other and further orders as may be deemed just and proper in the interest of justice and fairness.”

2. Issue notice. Ms. Aishwarya Malhotra, learned counsel for the respondents accepts the notice.

3. Learned counsel for the petitioner submits that the last date for admission in the Ph.D programme in the Department of Political Science,



University of Delhi is 11.03.2025 and if an interim order is not passed, the petitioner will suffer irreparable loss.

4. Learned counsel for the petitioner submits that the petitioner was awarded JRF *vide* communication dated 12.03.2022 and as per the terms and conditions of JRF, the petitioner was required to get admission and registration for regular and full time M.Phil/Ph.D course in a University/Institution/College recognized by UGC at the first available opportunity but not later than three years from the date of issue of this award letter.
5. Learned counsel for the petitioner submits that the petitioner had applied for Ph.D course in the academic year 2022-23 and 2023-24 but was not successful. Learned counsel submits that upon issuance of notice for Ph.D admission 2024-25, on 06.12.2024, the petitioner applied for the admission in the said course. Learned counsel submits that as per the notification, total number of seats available in Ph.D programme 2024-25 was 40 excluding supernumerary seats.
6. Learned counsel for the petitioner submits that in the University prospectus, the University had declared the seat matrix as under:-

Seat Matrix

UR	OBC(NCL)	SC	ST	EWS	SUPERNUMERARY SEATS	
					PwBD	Foreign Nationals
16	11	6	3	4	4	10

7. Learned counsel for the petitioner submits that as per Section 32 of Right of Persons with Disability Act, 2016, all Government institutions of



higher education and other higher education institutes receiving aids from Government, are required to reserve not less than 5% seats for Persons with Benchmark Disability (PwBD). Learned counsel submits that the petitioner is a person with benchmark disability. Learned counsel submits that as per the seat matrix in the University prospectus, 04 supernumerary seats were created for PwBD candidates out of the total 40 seats.

8. Learned counsel for the petitioner submits that, however, the department issued the provisional admission list for Ph.D programme in Political Science 2024-25, provisionally selecting 77 candidates. Learned counsel for the petitioner submits that seats allotted do not specify any category or cut-off marks and, therefore, it was not possible to infer that how many candidates from persons with disability category were selected. Learned counsel submits that name of the petitioner was not there upon which the present petition is filed.
9. Learned counsel for the petitioner submits that in the counter affidavit handed over today, the respondents had disclosed that the seats were increased to 90 and the total number of seats came to 5% of 90. Learned counsel submits that as per the counter affidavit, name of the petitioner was at serial no. 7. Learned counsel submits that as per the seat matrix issued with the prospectus of the University, the reservation was more than 5%.
10. Learned counsel for the respondents seeks time to take instructions.
11. Let the reply to this application be filed with an advance copy supplied to the learned counsel for the petitioner.
12. In the meantime, one seat be reserved for the petitioner. However, this



will not create any special equity in favour of the petitioner. The consequences of reservation of seat to follow in accordance with the law.
13.List on 02.04.2025.

MARCH 7, 2025
N/KR

DINESH KUMAR SHARMA, J