

2. The candidate who has passed the MBBS examination from a University other than Delhi University, having been allotted to the same under the 15% All India Quota by the Director General of Health Services would also be eligible if he/she is permanent resident of the National Capital Territory of Delhi, (The proviso has been incorporated as per the direction of the Hon'ble Supreme Court in Dr. Parag Gupta's case and is subject to further order of the Hon'ble Supreme Court and if he/she fulfills at the following three conditions:

(i) He/she passed 10+2 examination from National Capital Territory of Delhi.

-3-

(ii) He/She is permanent resident of the National Capital Territory of Delhi.

(iii) He/she has passed the MBBS examination from a University other than Delhi University., having been allotted to the same under the 15% All India Quota by the Director General of Health Services if he/she is permanent resident of the National Capital Territory of Delhi."

.SP2

.....L.....I.....J

The petitioner is challenging the said rule on the ground that the eligibility criteria set forth therein gives unfair advantage to those candidates who have done their MBBS in 15% quota of seats on All India basis from other States and are residents of Delhi as they will be eligible for 75% seats in the respective States and also for 75% seats in Delhi plus 25% seats of the All India quota and would give them the benefit of eligibility for 75% seats while a candidate like the petitioner who is a resident of Delhi and has done his MBBS from Delhi would be eligible for 75% seats of Delhi only as he cannot give the Post-Graduate examinations of other States except for 25% seats of All India quota and his chances of getting admitted into the Post Graduate course in the University of Delhi have become bleak.

Identical arguments were addressed and stood repelled in at least three decisions of this Court in Dr.@@
CCC
Parag Gupta Vs. University of Delhi and Ors. (2000)@@
CCCCCCCCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
5SCC 684, State of U.P. and Ors. Vs. Vineet Singh and@@
CCCCCCCCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

-4-

Ors. (2000) 7SCC 262 and Abhinav Aggarwal and Anr. Vs.@@
CCCCCCCCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
Union of India and Ors. (2001) 3SCC 425. In the@@
CCCCCCCCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
circumstances we find no merit in this petition and hence the same is dismissed.

.SP1

.....J
(S. RAJENDRA BABU)

.....J
(DORAISWAMY RAJU)

New Delhi,
July 26, 2001.

.PA
.....L.....I.....T.....T.....T.....T.....T.....J.....
ITEM NO.108 COURT NO.7 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

W.P. (C) No. 27/2001

Sudhir Kumar Gupta .. Petitioner

Vs.

University of Delhi & Ors. .. Respondents
(With office report)

DATE : 26.7.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. Ajay Garg, Adv.
Mr. Chander Shekhar Ashri, Adv.

For Respondent (s) : Mr. A. Mariarputham, Adv.
Delhi University Mr. Maninder Singh, Adv.
Mr. Anurag D. Mathur, Adv.
Ms. Pratibha M. Singh, adv.
Ms. Kavita Wadia, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

The Writ petition is dismissed in terms of the
signed order.

.SP1

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file