



\$~41.

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

+ W.P.(C) 12454/2023 and CM APPL. 49055/2023

DR. RAJEEV AGGARWAL ..... Petitioner

Through: Mr. Augustine Peter, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS. .... Respondent

Through: Mr. Santosh Kumar Tripathi,  
Standing Counsel (Civil) with Ms.  
Prashansa Sharma, Mr. Kartik  
Sharma and Mr. Rishabh Srivastava,  
Advocates for respondent No.  
1/GNCTD.

Mr. Atul Kumar, Advocate for R-2.

Mr. Sandeep Kumar Mahapatra,  
CGSC with Mr. Aakash Meena (GP)  
and Ms. Kritika Sharma, Advocate for  
respondent No.4.

Mr. Pritish Sabharwal, Addl. Standing  
Counsel, GGSIPU for R-5.

Mr. Mohinder J.S. Rupal, Mr. Hardik  
Rupal and Ms. Sachpreet Kaur,  
Advocates for respondent No.6.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**21.09.2023**

%

1. The present Public Interest Litigation (PIL) has been filed by the  
Petitioner impugning the eligibility criterion applied by the Respondent



Universities for grant of MBBS/ BDS seats under the Delhi State Quota ('DSQ'). As per the impugned criterion, only candidates who have completed their 11<sup>th</sup> and 12<sup>th</sup> grade education from a recognized school located in NCT of Delhi (hereinafter referred to as '**Local Education**') are considered for grant of seats under the DSQ.

2. Learned Counsel for the Petitioner submits that on a comparison with other states, NCTD is unique in prescribing a Local Education requirement as the *sole* criterion to determine eligibility for state quota. In this context, he contends that the impugned criterion facilitates the mushrooming of 'Dummy Schools' across the NCT of Delhi which consequentially disadvantages students who genuinely satisfy the Local Education requirement under the DSQ.

3. Learned Counsel submits that Dummy Schools are essentially virtual platforms established in partnership with private schools and coaching institutes which are recognized as schools by the Central Board of Secondary Education ('CBSE') even though they do not engage in day-to-day education or have a brick-and-mortar campus. Such schools enroll students residing outside Delhi thereby enabling them to illegitimately exploit the benefit of seats under the DSQ. In this regard, Learned Counsel has drawn the attention of the Court to the websites of two coaching institutes which clearly provide Dummy School facilities.

4. Upon hearing the Learned Counsel for the Petitioner, this court is of the *prima facie* view that the unchecked growth of Dummy Schools actively disadvantages students who genuinely fulfill the Local Education requirement by permitting otherwise ineligible students to obtain seats under the DSQ.



5. Accordingly, issue notice. Learned counsels for Respondents 1,2,4,5 and 6 accept notice.
6. Respondents are directed to file a counter-affidavit within six weeks.
7. List on 29.11.2023.

**SATISH CHANDRA SHARMA, CJ**

**SANJEEV NARULA, J**

**SEPTEMBER 21, 2023**  
*V. Rawat*