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

+ W.P.(C) 10698/2023

SANTOSH KUMAR

..... Petitioner

Through: Mr. Mahir Malhotra, Ms. Smriti Papreja
and Mr. Davender Kumar, Advocates

Versus

STATE GNCT OF DELHI & ANR.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
alongwith Mr. Yash Upadhyay, Advocate for
respondent No.1

Ms. Anita Sahani, Advocate for respondent No.2

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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11.08.2023

CM APPL 41467/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10698/2023

1. Learned counsel for the petitioner submits that the petitioner has appeared in the National Eligibility cum Entrance Test (UG)-2023 as OBC (Non Creamy Layer) candidate.
2. He submits that the petitioner is desirous of taking admission in a College under respondent No.2-University. He submits that the petitioner has certificate issued by Revenue Department, Govt. of NCT of Delhi, wherein it is mentioned that the petitioner belongs to *Mallah* category, which is recognised as OBC under Govt. of NCT of Delhi. The certificate dated 19.09.2020 reads as under:-



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**“REVENUE DEPARTMENT, GOVT OF NCT OF DELHI
OFFICE OF THE DISTRICT MAGISTRATE
ROHINI : NORTH WEST DISTRICT
OBC CERTIFICATE**

CERTIFICATE NO: 90500000671577

This is to certify that SANTOSH KUMAR S/o JAGPATI RAM R/o C-249 GAURI SHANKAR ENCLAVE PH-1 PREM NAGAR-3 KIRARI SULEMAN NAGAR DELHI110086 INDIA belongs to the MALLAH community which is recognised as Other Backward Class under the Government of NCT of Delhi notified vide Notification No.

F.28(93)/91-92/SCST/P&S/ 43~4 dated 1995-01 -20 published in the Gazette of Delhi Extraordinary Part-IV .

SANTOSH KUMAR ,and his family ordinarily resides at C-249 GAUR! SHANKAR ENCLAVE PH-1 PREM NAGAR-3 KIRARI SULEMAN NAGAR DELHI110086INDIA.

This certificate is issued on the basis of OBC certificate issued to AVDHESH KUMAR BROTHER of SANTOSH KUMAR R/o C-249 GAURI SHANKAR ENCLVE PREM NAGAR-3 belongs to MALLAH community of DELHI Slate vide Certificate No. 9531114719 dated 06/06/2012 issued by the EM SV.

This Is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res), 36033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/1 0/2008 and 27/5/2013 respectively.

*Digitally signed by KUSUM LATA MITRA,
TEHSILDAR,*

- 1. This Certificate IS valid as per Information Technology Act 2000as amended from to time.*
- 2. The Authenticity of this document should be verified at <http://ledistrict.delhigovt.nic.in>. Any discrepancy in the details on this document when compared to those available on the website renders it invalid.*
- 3. The onus of checking the legitimacy is on the users of this document.*



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4. *In case of any discrepancy please inform the authority issuing this Certificate.*

5. *The non-creamy layer status of the applicant has been certified based on the self declaration provided by the applicant to this effect”.*

3. Learned counsel for the petitioner, therefore, submits that abruptly the petitioner's category has been changed from OBC to General category, on the basis of document verification, *vide* verification dated 12.07.2023. He, therefore, submits that there is no reason to change the category from OBC to General and the petitioner is still entitled for consideration of his candidature and allotment of seat on the basis of OBC (Non Creamy Layer) certificate.

4. Issue notice.

5. Learned counsel for the respondents accepts notice and seeks some time to file the counter affidavits.

6. Let the same be filed within four weeks.

7. On the basis of submissions made by learned counsel for the petitioner, as an interim measure, it is directed that the category of the petitioner be considered to be OBC (NCL) and he be allowed to participate in the counselling on the basis of the said category.

8. The said direction shall remain subject to the outcome of the present petition. No special equities shall be claimed by the petitioner.

9. List for consideration on 26th September, 2023.

10. *Dasti.*

PURUSHAINDR KUMAR KAURAV, J

AUGUST 11, 2023/p'ma