

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
Tel. No. 011-23379900, 23379901, Fax No. 011-23370903
Website : www.pgc.delhigovt.nic.in E-mail : pgcdelhi@nic.in

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.1997

Date of hearing: 19th October, 2026

Complainant : Shri Manoj Kumar,

Respondent : The Secretary
Directorate of Higher Education,
Govt. of NCT of Delhi

Through :

Shri Akash, ASO from Directorate of Higher Education

Grievance No. : PGC/2026/A-II/DHE/557

1. Brief Facts of the Case

The complainant has filed a grievance in the Commission regarding irregularities in admissions against Defence Category Seats. He requested the Commission for withdrawal of illegal letters dated 8.5.2019 and 17.6.2025 of Higher Education, Govt. of NCT of Delhi. The complainant has also requested the Commission to issue directions to the universities under GNCTD to reject the illegal directions of the Dte. of Higher Education, GNCTD and act as an autonomous institutions.

2. Facts emerged during the hearing

2.1 The complainant is present.

2.2 Shri Akash, Assistant Section Officer from Directorate of Higher Education is present and submitted action taken reort/response on behalf of the Directorate of Higher Education, stating the following :-

i. At the outset, it is submitted that the absence of the representative of the Department in the hearing held on 23.09.2026 before this Hon'ble Commission is deeply regretted. The absence was purely due to inadvertence as the notice regarding the said hearing

was not received in the Directorate of Higher Education (DHE) in time by the concerned official of the department, which led to the unintentional absence.

2. The Department is committed to assist the Hon'ble Commission in arriving at a just conclusion which is reflected by the promptitude in filing all relevant judgments and documents before the Hon'ble Commission on 20.07.2026. However, for the assistance of the Hon'ble Commission the following additional reply is furnished.

3. All the contentions/allegations/assertions in the counter response of Sh. Manoj Kumar are denied in toto. It is submitted that he is deliberately misleading this Hon'ble Commission into re-opening issues that have been settled by Division Bench of the Hon'ble Delhi High Court of which the then Hon'ble Chief Justice of HC (now a Judge of the Hon'ble Supreme Court) was also a member. For the assistance of this Hon'ble Commission, it is reiterated that the Hon'ble Delhi High Court in Writ Petition (C) No. 11942 of 2024 titled as Ex. Sgt. Shri Manoj Kumar vs. Guru Gobind Singh Indraprastha University & Ors., has already been dismissed Shri Manoj Kumar's allegations vide its judgment dated 11.11.2024, inter alia, directing as under:-

"36. Generally, the reservation for 'Armed Forces' personnel and their dependents is governed by the directions issued by the Ministry of Defence. However, it appears that in the University's Admission Brochure, the term 'Defence Category has been used in a broader context to include widows and wards of Armed Forces Personnel/Defence Personnel as directed by the Ministry of Defence, as well as widows and wards of Para-Military Personnel and of Police Personnel who are recipients of Gallantry Awards as per instructions from the Ministry of Home Affairs. In this Court's view, this dual-source basis for the reservation policy reflects an effort by the University and GNCTD to reconcile directions issued from both the Ministries."

4. Furthermore, the allegations as regards the reliance of DHE on a letter dated 03.06.1994 which was allegedly not genuine was dismissed by the Hon'ble High Court in Para Nos. 37, 38, 39 and 40 of the aforesaid judgment dated 11.11.2024.

5. Therefore, the reservation policy of GNCTD as regards Defence Category was upheld by the Hon'ble High Court and it was further held by the Hon'ble High Court as under:

"47. In light of the above findings, this Court does not find merit in the present petition. The same is accordingly dismissed."

6. It is noteworthy that even the Division Bench of the Hon'ble Delhi High Court in LPA No. 60/2025, speaking through the then Hon'ble Chief Justice, vide judgment dated 27.01.2025 agreed with the Ld. Single Judge and upheld the existing policy of GNCTD in regard to the 'Defence Category'. It was inter alia, held as under @ Para 9(e):

"e) In this view, the submission made on behalf of learned counsel representing the appellant/ petitioner that the contents of the letters on the basis of which initially reservation was provided only to the wards/ widows of the Defence Personnel are binding on the University, in our opinion, cannot be acceded to. Formulation of policy relating to admission and other ancillary matters such as providing reservation to various categories of candidates is the function of the University and not that of the Ministries and, accordingly, it was always open to the University to have deviated from what has been provided for in the letters written by the Ministry of Defence."

(emphasis supplied)

7. Therefore, Shri Manoj Kumar is sadly merely indulging in forum hunting by approaching CPGRAMS, Hon'ble Courts, Hon'ble Lt. Governor, and now Hon'ble Commission.
8. The Department's response dated 20.07.2026 was based upon the departmental records and the judicial pronouncements rendered by the Hon'ble High Court of Delhi in W.P.(C) No.11942/2024 and LPA No.60/2025. The Department had specifically brought before the Hon'ble Commission the factual and legal background of the Defence Category policy and the judicial determination thereof.
9. The allegation that the Directorate has deliberately ignored or overridden subsequent communications of the Ministry of Defence/DESW/Kendriya Sainik Board is factually incorrect. The Ministry of Defence communication dated 25.02.2025 and subsequent communications referred to by the complainant have been duly taken cognizance of and considered by the Directorate. The issue has undergone comprehensive examination at the departmental level and has been processed for consideration of the competent authority in view of its policy implications.

10. It is therefore incorrect to suggest that the Directorate has simply disregarded the said communications. The fact that a particular communication has been taken into consideration and the matter is under examination at the competent policy-making level cannot be equated with non-compliance or deliberate disregard.
11. The Hon'ble High Court specifically examined the Defence Category reservation framework, the inclusion of Para-Military/Police categories, the communications issued by the Ministry of Defence and Ministry of Home Affairs and the controversy concerning the communication dated 03.06.1994. The Court observed that the policy reflected an attempt to reconcile the directions of the two Ministries and held that resolution of inter-ministerial policy conflicts did not fall within judicial adjudication. The Court further held that policy decisions are not ordinarily liable to judicial interference unless shown to be arbitrary, unreasonable or manifestly illegal.
12. The Hon'ble High Court thereafter dismissed W.P.(C) No.11942/2024. The complainant challenged the said judgment in LPA No.60/2025, which was also dismissed by the Hon'ble Division Bench vide judgment dated 27.01.2025. The Division Bench specifically observed that formulation of policy relating to admission and reservation is a function of the University and not of the Ministries and declined to accept the contention that the earlier Ministry of Defence communications were binding upon the University in the manner asserted by the complainant.
13. The allegation concerning the alleged manipulation/non-genuineness of the communication dated 03.06.1994 also cannot be used to invalidate the present policy. The said controversy had already been raised before the Hon'ble High Court, which did not consider the same determinative of the validity of the existing reservation policy.
14. In these circumstances, the repeated assertion that the Directorate is implementing an "illegal", "manipulated" or "superseded" policy is not supported by the judicial pronouncements in W.P.(C) No.11942/2024 and LPA No.60/2025. The existing policy has already undergone judicial scrutiny and the challenge thereto has failed before the Hon'ble Single Judge as well as the Hon'ble Division Bench.
15. The Directorate also takes exception to the sweeping allegations of deliberate violation, bad faith and disregard of statutory obligations made against the officials of the Department. Such allegations, being unsupported by any fresh material establishing misconduct or

PRATYUSH KANTH
MEMBER
Public Grievances Commission
Govt. of NCT of Delhi
M-Block, Vikas Bhawan,
New Delhi-110002

deliberate illegality, cannot be accepted merely because the complainant disagrees with the policy position adopted by the Department.

16. . It is reiterated that the complainant has been afforded adequate opportunity to raise his grievances. Apart from consideration of his repeated written representations, the Director, DHE also afforded him a personal hearing and heard him at length on the issues relating to Defence Category reservation and explained the Department's position to him.
17. The subsequent representations and the present counter-response substantially seek to re-agitate issues which have already been examined and adjudicated. Repeated re-agitation before different administrative/grievance fora cannot have the effect of nullifying or circumventing the judicial pronouncements rendered by the competent Court.
18. In view of the foregoing, the allegations contained in the counter-response do not disclose any fresh material establishing deliberate illegality, mala fide action or disregard of lawful directions by the Directorate. The Department has acted on the basis of the prevailing policy framework, the applicable legal provisions and the judicial pronouncements, while subsequent communications including MoD letter dated 25.02.2025 relied upon by the complainant are also under consideration in the appropriate departmental policy making process.
19. It is, therefore, respectfully submitted that the counter-response of the complainant may be considered in the above factual and legal context and the response of this Directorate dated 20.07.2026 and the grievance may kindly be disposed of accordingly.

3. Directions of PGC

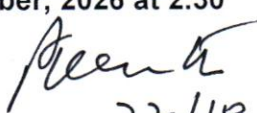
3.1 A copy of the action taken report/response on behalf of the Directorate of Higher Education has been given to the complainant to furnish his rebuttal in the next hearing.

3.3 The next date of hearing in the case has been fixed for 26th November, 2026 at 2.30 p.m.

PRATYUSH KANTH
MEMBER
Public Grievances Commission
Govt. of NCT of Delhi
M-Block, Vikas Bhawan,
New Delhi-110002

F.No. PGC/2026/A-II/DHE/573/

11455-456


22/10
(PRATYUSH KANTH)
MEMBER(PGC)

Dated :- 27/10/26

1. The Secretary, Directorate of Higher Education, Govt. of NCT of Delhi, B-Wing, 2nd Floor, 5-Sham Nath Marg, Delhi-110054.
2. Shri Manoj Kumar, R/o House No.113-114, Gali No. 35 (New Cutting), Vipin Garden Extn., New Delhi-110059 (Mob : 8638662445 & 7607456345)