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

Date of decision: 20.07.2026

+ **W.P.(C) 8724/2026 & CM APPL. 40935/2026**

ADITYA INSTITUTE OF TECHNOLOGY THROUGH ITS
FOUNDER-CUM-CHAIRMAN DEVENDRA GUPTA

.....Petitioner

Through: Mr. Aseem Mehrotra, Ms. Deeksha
Mehrotra, Advs.

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: Mr. Dhruv Rohatgi, Panel Counsel
with Ms. Chandrika Sachdeva, Mr.
Dhruv Kumar, Advs. for GNCTD
Mr. B.S.Rawat CI DTTE

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers: -

“a) issue an appropriate writ, direction or order in the certiorari quashing the requirement as laid down in Clause 9 in the Information Bulletin of Respondent, Annexure P-1, which restricts admission to Full Time Diploma Courses on



the basis of Common Entrance Test for the academic session 2026-27 being arbitrary and violative of Article 14 of the Constitution of India;

b) issue an appropriate writ, direction or Order 'in the nature of mandamus commanding the Respondent to permit the petitioner to admit students for the Four Full Time Diploma Courses, namely Diploma Courses in Electronics and Communication. Engineering; Computer Engineering; Medical Lab Technology and I.T. Enabled Services & Management with 40 intake capacity for the academic session 2026-27 on the basis of the marks obtained by them in Class 10th Examination and the students who have registered themselves with Delhi Skilled and Entrepreneurship University for the academic session 2026-27;... ”

2. The brief facts of the case are that the petitioner institute is being run by Dr. R.N. Gupta Technical Education Society and has been imparting technical education in Pharmacy since 1995-96 with prior approval of All India Council for Technical Education (**“AICTE”**). The petitioner is also affiliated with the respondent Board of Technical Education (**“BTE”**).
3. In 2019, the Government of NCT of Delhi enacted the Delhi Skilled Entrepreneurship University Act, 2019 (**“DSEU”**). After the enactment of DSEU, all Government run Polytechnic Institutes became a part of DSEU and the names of the institutes were also changed. The eligibility criteria and the admission process were as per



the norms of the DSEU.

4. The DSEU conducted Common Entrance Test ("**CET**") for admission in diploma for all Diploma level admissions in Government aided and private institutions.
5. The petitioner had filed a writ petition bearing W.P.(C) No. 13677/2021, seeking admission of students who could not take the Common Entrance Test wherein the Court disposed of the petition by holding that CET was in existence since long and the Court would be slow in interfering unless arbitrariness or perversity was established. In the year 2023, the petitioner's name was included in the Information Bulletin issued by Board of Technical Education. However, the petitioner was placed under the No Admission category. The petitioner filed a W.P. (C) No. 10009/2023 assailing the same. The petitioner was granted interim relief. The said petition is still pending. For the year 2026-27 the petitioner was issued extension of approval by AICTE and the registration commenced on 04.05.2026.
6. The petitioner is now aggrieved by Clause No. 9 of the Information Bulletin of respondent, which restricts the admission to Full-time Diploma Courses on the basis of CET examination for academic session 2026-2027.
7. Mr. Mehrotra, learned counsel for the petitioner draws my attention to the Information Bulletin under DSEU and further draws my attention to the eligibility criteria for the year 2025-26 which reads as under:



4. Eligibility Criteria

4.1 Eligibility Criteria for Admission to Diploma Programmes Technical (after 10th) 2025-26

S. No.	Program	Minimum Eligibility
1.	Diploma in Automobile Engineering	No student shall be eligible for enrolment in the Three-year Diploma Technical (TDT) for the first Semester of study unless they have either (i) passed the Secondary School Examination (Class X) of the Central Board of Secondary Education or its equivalent examination conducted by Boards in India or abroad recognized by the Council of Boards of School Education (COBSE), with the requisite subject/discipline if so specified in the curriculum of the TDT program, and with an aggregate percentage of more than or equal to 40%, or an equivalent Grade Point Average, or (ii) passed a two-year National Trade Certificate from an institution recognized by the National Council of Vocational Education and
2.	Diploma in Chemical Engineering	
3.	Diploma in Civil Engineering	
4.	Diploma in Civil Engineering (Green Infrastructure)	



5.	Diploma in Computer Engineering (AI Tools)	Training (NCVTE) in the relevant/allied trade related to the Major Discipline of TDT with an aggregate percentage of more than or equal to 40%, or an equivalent Grade Point Average after 8 th class, or (iii) earned 40 credits of relevant qualification at NCrF level 3.0
6.	Diploma in Electrical Engineering	
7.	Diploma in Electronics Engineering	
8.	Diploma in Mechanical Engineering	
9.	Diploma in Petrochemical Engineering	
10.	Diploma in Polymer Technology	
11.	Diploma in Precision Engineering	
12.	Diploma in Printing Technology	
13.	Diploma in Robotic and Automation	
14.	Four Year UG Diploma in Tool and Die Making	
15.	Diploma in Architecture	Candidates must have passed class X or equivalent

Note: For admission in Diploma Architecture, Council of Architecture (COA) guidelines will be followed, also fee category may also be checked before applying.



8. He again draws my attention to the 2026-27 Information Bulletin, which again describes the same qualification, which reads as under:

Eligibility Criteria

A. Eligibility Criteria for Admission to Diploma Programs Technical (after 10th) 2026-27

Program	Minimum Eligibility
All Diploma Programs (Except Diploma in Architecture)	No student shall be eligible for enrolment in the Three-year Diploma Technical (TDT) for the first Semester of study unless they have either (i) passed the Secondary School Examination (Class X) of the Central Board of Secondary Education or its equivalent examination conducted by Boards in India or abroad recognized by the Council of Boards of School Education (COBSE), with the requisite subject/discipline if so specified in the curriculum of the TDT program, and with an aggregate percentage of more than or equal to 40%, or an equivalent Grade Point Average, or (ii) passed a two-year National Trade Certificate from an institution recognized by the National Council of Vocational Education and Training (NCVTE) in the relevant/allied trade related to the Major Discipline of TDT with an aggregate percentage of more than or equal to 40%, or an equivalent Grade Point Average after 8th class, or (iii) earned 40 credits of relevant qualification at NCrf level 3.0.
Diploma in Architecture	Candidates must have passed class X or equivalent

Note: For admission in Diploma Architecture, Council of Architecture (COA) guidelines will be followed, also fee category may also be checked before applying.

B. Eligibility Criteria for Admission to UG Programs 2026-27 (after 12th)

Program	Minimum Eligibility
- UG Degree - UG Certificate - UG Diploma	XII (Senior Secondary) Grade Pass or 10th+2-Yr NTC/NAC/CITS or 40 credits of NSQF level 4.0. Or Equivalent
- B.Sc. Physical Sciences, - B.Sc. Life Sciences, - UG Certificate Course on Solar Panel Installation, Testing, Maintenance and Repair - Diploma in Pharmacy*	10+2 with science is a mandatory requirement



9. He further has drawn my attention to the eligibility criteria applicable to the petitioner, i.e. a privately run institution, wherein the Clause No. 9 states that CET is compulsory. The same reads as under: (pdf 98)

9. Conduct of Common Entrance Test (CET)

The test will be conducted in online AI based proctored mode. Guidelines to conduct of CET will be displayed on web-portal.

9.1. Schedule and Syllabus for CET

Test No.	Discipline	Date of CET-2026	Time	Subjects for Entrance Tests
Test-1	All 10 th based Diploma Courses. Engineering/Non Engineering	14-06-2026	10 A.M. to 11.30 A.M.	Mathematics-(30 Questions), Physics (15 Questions), Chemistry (15 Questions), Biology (15 Questions) & English (15 Questions) as per CBSE syllabus for class IX Exam held in 2025 and CBSE syllabus for class X exam held in 2026 Total No. of Questions : 90
Test-2	Pharmacy (12 th based)	13-06-2026	2 P.M. to 3.30 P.M.	Physics (30 Questions), Chemistry (30 Questions) & either Mathematics (30 Questions) or Biology (30 Questions) as per CBSE syllabus for class XI Exam held in 2025 and CBSE syllabus for Class XII Exam held in 2026 Total No. of Questions: 120 out of which 90 Questions to be answered (Physics, Chemistry, Biology/Mathematics)
Test-3	Lateral entry of ITI/ 10+2(Vocational Stream) pass outs for admission to the 3 rd semester in analogous Diploma courses.	13-06-2026	10 A.M. to 11.30 A.M.	Physics (30 Questions) Mathematics (30 Questions) Chemistry-(30 Questions) as per CBSE Syllabus for class X exam held in 2024, class XI exam held in 2025 and class XII exam held in 2026 Total No. of Questions : 90



- (I) Each test contains 90 objective-type questions in all. Each question will be provided with four alternative answers marked (1), (2), (3) and (4). Of these, only one correct is to be selected and marked in online mode.
- (II) Each question shall carry four (04) marks. There will be negative marking for incorrect answers. One (01) mark will be deducted for each incorrect answer.
- (III) Tests will be of one hour and thirty minutes duration and will carry 360 marks.
- (IV) The medium / language of the question papers will be bilingual (English/Hindi). In case of any discrepancy in the bilingual question papers the English version will be considered as the correct version.
- (V) No requests for re-checking, re-evaluation, re-assessment or scrutiny will be entertained.
- (VI) All disputes pertaining to the conduct of the tests and admission shall fall within the jurisdiction of courts located in Delhi.
- (VII) For those who are unable to appear in the test on the scheduled date and time for any reason, the Controller, BTE under any circumstances, will not hold any re-test. No refund of fee is permissible.
- (VIII) The online CET is AI proctored module based and is to be attempted by the candidate by sitting at his/her home following all the guidelines and norms/protocol of Online CET, which are displayed on the web portal before the start of exam.
- (IX) All candidates are advised to perform the mock test before the actual test. (The schedule of the mock test will be displayed on the web portal.)

Note: The candidates who do not have the facility of Computer/Laptop/Internet can intimate about the same at least one week before the schedule through email so that special arrangement for test centre can be made.

9.2 PUNISHMENT FOR USING UNFAIR MEANS PRACTICES

During the course of online proctored examination, if a candidate is found indulging in any unfair practices (as per instructions given to candidates) will be booked under unfair means case adopted. Unfair means practices and breach of the instructions will lead to cancellation of candidature.

Note: -Guidelines and procedures for conduct of CET will be displayed on web portal.

10. Mr. Rohatgi, learned standing counsel, draws my attention to the Counter Affidavit of the respondent and more particularly, paragraph Nos. 4, 5 6 and 7 which reads as under:

“4. Till the academic session 2020-21, the Board of Technical Education conducting the admissions through Common Entrance Test and online counselling to 19



Institutions which includes 11 Govt. Institute of Technology, 01 Govt, aided institute and 07 privately managed institutes, duly approved by All India Council for Technical Education (AICTE)/ Pharmacy Council of India (PCI)/ Council for Architecture (CoA), that are affiliated to BTE.

5. The Government of NCT of Delhi vide Cabinet decision No.2955 dated 2nd March, 2021 has approved the proposal for merger /integration of all 11 Government institutions of Technology (Polytechnics) into Delhi Skill and Entrepreneurship University (DSEU) from the academic year 2021- 22 and approval of Hon'ble LG for the same was conveyed vide notification No.F.1 (221) Inclusion of Poly &1TI/DSEU/SB/DTTE/2020/ 584 dated 16.04.2021. At present, only 01 Govt, aided institute, 07 privately managed institutes duly approved by All India Council for Technical Education (AICTE)/Pharmacy Council of India (PCI) running various diploma level courses under the ambit of Board of Technical Education Delhi, Govt, of NCT Delhi.

6. It is most respectfully submitted that the Delhi Skill and Entrepreneurship University (DSEU) was appointed as the "designated agency" for conducting the Common Entrance Test (CET) and the counselling process for admissions to private and Government-aided diploma level institutes affiliated with the Board of Technical Education (BTE), Delhi, vide Notification No. F.161(5)/ACAD./ADM./2021/769-75 dated 20.07.2021. The said



arrangement was further continued and reaffirmed vide Corrigendum No. F.2(7)/203/Acad.Admission/BTE/2023/CD-033726487/2233 dated 23.05.2023, whereby DSEU conducted the Common Entrance Test (CET) and counselling process for all Institutes of Technology running diploma-level courses under DSEU as well as the institutes affiliated with the Board of Technical Education (BTE), Delhi, from the academic session 2021-22 onwards but DSEU regretted to conduct the Common Entrance Test and counseling for the Institutes affiliated with Board of Technical Education (BTE) from the current session 2024-25 and suggested that BTE to make an alternative arrangement for conducting Common Entrance Test (CET) and counseling for admissions of the institutes affiliated with BTE.

7. It is most respectfully submitted that Section 13 of the Delhi Diploma Level Technical Education Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act 2007 (Delhi Act 7 of 2007) provides that admissions to an institution shall, subject to the provisions of the Act, be made through a Common Entrance Test (CET) to be conducted by the designated agency, in the prescribed manner. The proviso thereto further stipulates that management seats may be advertised and filled by the institution from amongst



candidates who have qualified the Common Entrance Test, in a transparent manner, based on merit in the qualifying examination, in the manner prescribed.”

11. He states that the institutions run under the DSEU Act are not required to conduct a CET. However, it is compulsorily required under the BTE category to hold CET.
12. I am unable to agree with the contentions of the learned counsel for the respondent as the private and government run institutions are providing the same diploma and are imparting the same education and there is no reason as to why the government aided institutions can do away without holding CET but the additional eligibility condition of holding a CET has been placed on the likes of petitioner institutions i.e. a private institution under BTE.
13. It is not the petitioner who had an option to opt for an affiliation under the DSEU or the BTE and it was done by the Government of NCT on its own. Furthermore, it is a settled principle laid down in **West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75** that the classification are to be in consonance with Article 14 i.e. it must be founded upon intelligible differentia and should have rational nexus to the object sought to be achieved.
14. In **S. Seshachalam v. Bar Council of T.N., (2014) 16 SCC 72** the Hon'ble Supreme Court held as under:

“21. Article 14 of the Constitution of India states that:

“14.Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”



Article 14 forbids class legislation but it does not forbid reasonable classification. The classification, however, must not be “arbitrary, artificial or evasive” but must be based on some real and substantial bearing, a just and reasonable relation to the object sought to be achieved by the legislation. Article 14 applies where equals are treated differently without any reasonable basis. But where equals and unequals are treated differently, Article 14 does not apply. Class legislation is that which makes an improper discrimination by conferring particular privileges upon a class of persons arbitrarily selected from a large number of persons all of whom stand in the same relation to the privilege granted and between those on whom the privilege is conferred and the persons not so favoured, no reasonable distinction or substantial difference can be found justifying the inclusion of one and the exclusion of the other from such privilege.

22. While Article 14 forbids class legislation, it does not forbid reasonable classification of persons, objects and transactions by the legislature for the purpose of achieving specific ends. But classification must not be “arbitrary, artificial or evasive”. It must always rest upon some real and substantial distinction bearing a just and reasonable relation to the object sought to be achieved by the legislation. Classification to be reasonable must fulfil the following two conditions: firstly, the classification must be



founded on the intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group. Secondly, the differentia must have a rational relation to the object sought to be achieved by the Act. The differentia which is the basis of the classification and the object of the Act are two distinct things. What is necessary is that there must be nexus between the basis of classification and the object of the Act. It is only when there is no reasonable basis for a classification that legislation making such classification may be declared discriminatory.”

15. In the present factual matrix, I am of the view that there exists no intelligible differentia to subject the institutes affiliated with DSEU and BTE to different assessment mechanism. This given bifurcation is an administrative/ executive decision of the respondent to merge certain government institutions into DSEU while the remaining institutions inclusive of private institutions such as that of the petitioner's to be continued under the BTE by default and not by choice.
16. The substance of classification in this present case clearly violates Article 14 of the Constitution of India as the petitioner and the similarly situated institutions are performing similar functions as those which are under DSEU. There are two different parallel mechanisms for admission being the CET on one hand and Class Xth marks without CET on the other. The two different parallel mechanisms for institutions offering same diploma course have no



rational nexus with the object sought to be achieved, which is granting admissions to competent and eligible students.

17. As per paragraph No. 7 of the counter affidavit, learned counsel for the respondent relied on Section 13 of the Delhi Diploma Level Technical Education Institutions Act, 2007 (“**2007 Act**”). The Section 13 of the 2007 Act has been made selectively applicable to the institutions under BTE and the institutions under DSEU have been kept out of its purview. This selective application, in my view is violative of Article 14 of the Constitution of India as notwithstanding this provision being in place, the respondent has explicitly exempted institutions under the DSEU from the CET requirement. No reasons have been ascribed for the same.
18. This classification is *ex-facie* arbitrary as the students who seek admission in private institutes are put to disadvantageous position in comparison to DSEU because of the mandatory criteria of CET is being applicable only to institutes under BTE. The respondent has created an arbitrary classification and no intelligible differentia has been made out.
19. For the said reasons, the Clause No. 9 of the Information Bulletin issued by the respondent is violative of Article 14 of the Constitution of India and is hereby, set aside.
20. For the academic year 2026-27, the CET had already been conducted, and candidates have been allotted petitioner institute, the same is not to be interfered with, for the current academic year. However, in case there are any seats vacant (including management quota), the petitioner shall be entitled to admit students based on Class Xth



results.

21. The petition is disposed of in aforesaid terms.

JASMEET SINGH, J

JULY 20, 2026/sp

(Corrected and released on 29.07.2026)