

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.215

**CWP No.21285 of 2019
Date of decision : 19.9.2019**

Tarveshinder Singh

..... Petitioner

VERSUS

Panjab University, Chandigarh and others

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Mohd. Yousaf, Advocate, for the petitioner.

Mr. Indresh Goel, Advocate, for respondent No.1.

Mr. R.K. Hooda, Advocate, for respondent No.2.

None for respondent No.3.

SUDHIR MITTAL, J.

The petitioner is a graduate desirous of getting admitted to the three year L.L.B course being conducted by the Panjab University, Chandigarh.

2. Sometime in the month of May 2019, Panjab University, Chandigarh (respondent No.1) issued admission notice for academic session 2019-2020, in which the L.L.B three year course was also included. Being eligible for the said course, the petitioner filled up his admission form in the category of Rural Area Student. His certificate dated 27.6.2013 in this regard is Annexure P-6 on the record. An admit

card was issued to the petitioner and he took the entrance test conducted on 22.6.2019 and cleared the same. However, during counseling, the petitioner was not considered in the Rural Area Students category and was not granted admission. His representation dated 30.7.2019 is (Annexure P-10) on the record, but the same has not been replied to. Thus, the present writ petition has been instituted.

3. Learned counsel for the petitioner contends that according to the Handbook of Information 2019, additional seats have been advertised for various categories of persons including two seats for Rural Area Students. Other categories included in such additional seats are Wards of Kashmiri Displaced Persons, one Girl Child out of two Girl Children, Wards of Martyrs/permanently disabled in Kargil War etc. These seats are supernumerary in nature and are beyond the authorized 300 seats. However, a rider has been placed in the same handbook, according to which, the said additional seats shall be available subject to clearance from regulatory agency such as Bar Council of India etc. In the case of a single girl child, a Division Bench of this Court in CWP No.19305 of 2018 titled as **Eshita Bedi Vs. Panjab University and others**, decided on 10.8.2018, has read down the clause of the handbook prescribing clearance by a regulatory authority and thus, non-consideration of the petitioner in the category of Rural Area Students, is illegal and arbitrary.

4. Learned counsel for respondent No.1 has submitted that a meeting dated 31.8.2019 was held by the Chairman, Department of Laws and it was decided that no student can be considered in the category of Rural Area Students as approval from the Bar Council of India is not

forthcoming. Thus, no admissions can be made beyond the approved 300 seats. The judgment in the case of Eshita Bedi (supra) is not applicable because the said judgment was passed in the case of a single girl child.

5. Bar Council of India has also filed its reply, wherein it has been stated that it is the empowered body in India to regulate legal education and it has no powers to sanction any additional seats without adopting the procedure prescribed under the Advocates Act, 1961. Respondent No.1 has been sanctioned 300 seats only and it is not entitled to admit more number of students. Since the prescribed procedure for increasing the number of seats has not been followed, no student can be admitted against the Rural Area Students category as the seats meant for the said category are beyond the sanctioned strength of the Department of Laws, Panjab University, Chandigarh.

6. Relevant sub-clause of clause 3.2 of the Handbook of Information 2019, are reproduced below:-

“3.2 Additional Seats including NRI (Non-convertible)

Xxxxx

(f) Two Seats for Rural Area Students:- Only those candidates will be considered in this category, who have passed their Matriculation and +2 examination from those rural schools that do not fall in the area of the Municipal Corporation/Municipal Committee/Small Town/Notified Area/Cantonment Area. A candidate claiming such benefit will have to produce a certificate from the D.E.O/Principal of the concerned institute of the area certifying that the school

from where the candidate has passed the Matriculation and +2 examination, falls within the aforesaid rural area.

Xxxxx

The above listed Additional Seats (a) to (i) will be available subject to the clearance from regulatory agencies such as AICTE, NCTE, MCI, DCI, BCI, PCI, AERB etc.

Xxxxx

It is, thus, evident that respondent No.1 has advertised and invited applications for two additional seats in Rural Area Students category. However, a rider has been placed that these additional seats will be available subject to clearance from the regulatory agency i.e. Bar Council of India. It may also be noted that one girl child out of only two girl children is another category for which additional seats have been prescribed and the same is also subject to the rider aforementioned.

7. A Division Bench of this Court in case of **Eshita Bedi** (supra) has already read down the rider providing for clearance from a regulatory agency such as Bar Council of India and it has been held that the preference given or the incentive given being beneficial in nature, should be construed liberally and creating an artificial distinction by requiring prior approval of a regulating agency like the Bar Council of India for courses such as the L.L.B course, is arbitrary. In this case also, a category of Rural Area Students has been created to encourage those who have done their schooling from rural areas so that they can be assimilated in the main stream of urban society. This would enable such students to realise their true potential and thus, benefit the society at large.

8. Having created a category for which additional seats have been prescribed, respondent No.1 cannot now take shelter behind non-receipt of approval from Bar Council of India. A prospectus issued by an educational institution has the force of law and therefore, respondent No.1 is bound to offer the seats included in its prospectus. If the requirement of prior clearance from Bar Council of India was essential, it should have approached the said authority within time and received approval after following the procedure prescribed by law. Having not done so, it cannot be permitted to take shelter behind its own wrong.

9. For the aforementioned reasons, the writ petition deserves to be allowed. Respondent No.1 is directed to admit the petitioner against a seat meant for Rural Area Students.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

19.9.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No