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

Date of Decision: 8th February, 2019

+ W.P.(C) 1337/2019

NISHANT KHATRI

..... Petitioner

Through: In person

versus

NATIONAL LAW UNIVERSITY DELHI Respondent

Through: Mr. Sunil Agarwal and Mr.
S.D. Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

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J U D G M E N T (O R A L)

1. The petitioner is a third year LL.B student in the Faculty of Law, University of Delhi. He states that he is an aspirant for the LL.M. Course.

2. On 4th January, 2019, the National Law University, Delhi released a notification for effecting admissions to the LL.M course for the year 2019-2020.

3. The grievance of the petitioner is with respect to the quantum of fees which would be required to be paid by him, for participation in the All India Law Entrance Test (AILET) on the basis whereof candidates are selected for admission to the LL.B course.

4. The fees prescribed for participation in the said examination is

₹3,050/- for General category candidates and ₹ 1,050/- for candidates belonging to Schedule Caste/Scheduled Tribe (SC/ST) and Persons with Disabilities (PWD).

5. The case set out in the writ petition appears to be somewhat different from the case which is being canvassed before this Court by the petitioner, who appears in person.

6. The writ petition ventilates a grievance that SC/ST and PWD candidates are given a relaxation of ₹ 2,000/- in application fees, and that BPL candidates belonging to the SC/ST category are exempted from the requirement of payment of fees, whereas BPL candidates of other categories are not given the said exemption.

7. Simultaneously, the writ petition also avers that “by prescribing such high application fee” of “₹ 3,050/-”, “the University is” discouraging the applicants “who belong to middle or poor sections of the society”. It is further averred that the said fees are unreasonably high and fail to serve the very purpose of conducting the tests.

8. Article 39A of the Constitution of India has also been sought to be pressed into service by the petitioner in the writ petition.

9. Today, on being queried, the petitioner acknowledges that he is neither a candidate belonging to the SC/ST category nor a PWD candidate, and does not belong to the BPL category either.

10. That being so, it appears that the case canvassed by the petitioner is completely foreign to the grievance actually set out in the writ petition.

11. The petitioner candidly submits that his grievance is only that the fees charged by the respondent are unreasonably high and that, as he has to apply in several colleges, if he was required to pay ₹ 3050/- in each college, it would become impossible for him to apply in all the colleges in which he desires to apply. He also seeks to compare the fees being charged for the All India Law Entrance Test (AILET) examination and the fees being charged for entrance into LL.M courses in other Universities which, according to him, are much more nominal than those charged by the respondent.

12. I am not in a position to come to the aid of the petitioner.

13. This Court cannot sit as an authority monitoring fees charged by educational institutions, unless and until the fees are found to be expropriatory in nature or so unreasonably high as to render them arbitrary or impinging on the fundamental right to education.

14. It is not possible for a court to interfere merely because different educational institutions charge different fees. There cannot be any principle, in law, that all educational institutions should charge the same fees.

15. ₹ 3,050/- cannot, in my opinion, by any stretch of imagination, be said to be so unreasonably high as to impinge on the fundamental right of the petitioner to education.

16. It cannot, either, be said to be arbitrary or capricious in any manner. The court cannot be blind to the reality that educational institutions, in order to attain excellence, are required to provide optimum facilities, for which money is needed.

17. It is, therefore, the right of every educational institution to charge reasonable fees from its students, so as to run the institution and provide facilities of a high standard, so that well trained professionals emerge therefrom.

18. At the cost of repetition, I may note that the case set out in the writ petition, i.e. of discrimination between BPL candidates who belong to the SC/ST category and BPL candidates who belong to other categories, is not being examined by me, as the petitioner does not belong to any of the said categories.

19. In view of the above, this writ petition is completely devoid of merits and is, accordingly, dismissed, with no order as to costs.

C. HARI SHANKAR, J

FEBRUARY 08, 2019/dsn