

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1820 of 2020**

1. Siddhant Das S/o Praveen Das Aged About 21 Years R/o V 12 Rama Life City, Bilaspur, Chhattisgarh
2. Srijan Verma S/o Sanjay Verma Aged About 20 Years R/o Avani Vihar, Mowa, Raipur, Chhattisgarh
3. Rajat Anand S/o Dev Prasad Aged About 22 Years R/o Block 11/A Street- 17 Sector-5 Bhilai, District Durg, Chhattisgarh
4. Rajdeep Kaur D/o Mohinder Singh Aged About 22 Years R/o C-52 Shailender Nagar, Raipur, Chhattisgarh

---- Petitioners**Versus**

1. University Grants Commission Through Its Secretary Having Office At Bahadur Shah Zafar Marg, New Delhi- 110002, Secy.Ugc@nic.In, Webmaster.ugc.help@gmail.Com.
2. Bar Council Of India Through Its Secretary Having Office At 21st Rouse Avenue, Institutional Area, Near Balbhavan, New-Delhi. Info@Barcouncilofindia.Org, Bciinfo21@Gmail.Com.
3. Bar Council Of Chhattisgarh Through Secretary Chhattisgarh High Court Premises, Bodari, Bilaspur, Chhattisgarh
4. Amity University Through Its Registrar Having Office At State Highway-9, Baloda Bazar Road, Raipur, Chhattisgarh 493225. Www.Amity.Edu/raipur

---- Respondents

For Petitioners	:	Shri Abhishek Sinha, Advocate
For Respondent No.1/UGC :		Shri R.K. Gupta, Advocate
For Respondent No.2	:	Shri Shivang Dubey, Advocate
For Respondent No.4	:	Shri Prasoon Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****11/12/2020**

1. Heard.
2. Learned counsel for the petitioners would submit that the petitioners are the students pursuing 5 year Law Degree Course from Amity University Chhattisgarh and were the students of 6th Semester and were promoted to 7th Semester according to the UGC guidelines dated 29th of April, 2020 based on their comprehensive assessment and internal assessment as the colleges were not physically open. It is contended that thereafter recently the notification has been issued by the University/respondent No.4 for the 6th semester examination including the backlog which would be conducted from 14th of December, 2020 to 24th of December, 2020 and the 7th Semester examination thereafter would be conducted from 12th of January, 2021 to 24th of January, 2021. He would further submit that it would be completely unreasonable as the students would not get time to prepare specially when they were promoted and were studying in the 7th semester.
3. Learned counsel for the University relies on the notification of Bar Council of India dated 01.11.2020 and the relevant part of the same reads as under:-

“This would leave no cause of grievance to any candidate and this recourse will reduce the anxiety of the candidates as it would provide such candidates who are averse to take the physical exam during the pandemic Covid-19, with an option to take the exam on a later date within one month of physical reopening of Law Colleges/Universities when normalcy resumes and when the pandemic situation no longer exists, and/or an option to also appear in online exams presently, if the University/Center of Legal Education is able to conduct such online examination, if they i.e. students are comfortable with it, while, if, any candidate is unable or unwilling to appear in the online exam owing to technical and/or infrastructural difficulties or otherwise, and is also averse to appear in any physical exam which may be held during the pandemic period owing to apprehension of getting infected with Covid-19, or having appeared therein is unable to pass such offline/online exam/s, they can always appear in such physical exam after the pandemic is over without being penalized or prejudiced.”

It is contended that the petitioners can appear for physical examination as and when the pandemic is over for which they will not be penalized. He would further submit that the University was willing to consider the grievance of the students had the representation been made.

4. Considering the submission made at the bar and the fact that partial restriction still continues since the University has relied on the notification of the Bar Council of India dated 01.11.2020 and has assured to act on it, which is reproduced herein before, the students can take a call according to the guideline which has been issued by the Bar Council of India and as has been submitted if they follow the said instructions according to the guideline issued by the Bar Council of India, they would not be penalized and it should not be prejudicial to them. So the University would act according to the guideline issued by Bar Council of India which may not be prejudicial to them.
5. In view of the above submission, the University shall follow the guideline issued by the Bar Council of India dated 01.11.2020. Accordingly, the petition stands disposed of at this moment.

Sd/-

Goutam Bhaduri
Judge

Ashu