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

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Date of Decision: 1st September, 2020

1. CWP-12832-2020

Saurav Rao and others

Petitioners

Versus

Panjab University through its Registrar, Sector 14, Chandigarh and others

Respondents

WITH

2. CWP-13272-2020

Navya Raj

Petitioner

Versus

Panjab University, Chandigarh and others

Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

*** * ***

Present: Mr. Deepak Vashishth, Advocate for the Petitioners
[in CWP-12832-2020].

Mr. Vikas Chatrath, Advocate for the Petitioner
[in CWP-13272-2020].

Mr. Arun Bakshi, Advocate
for the Respondents [in CWP-13272-2020] and
Respondent No. 1 [in CWP-12832-2020].

Ms. Preeti Dalal, Advocate for the Respondent No. 3
[in CWP-12832-2020].

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Dr. S. Muralidhar, J.

1. The challenge in both these petitions is to the decision of the Respondent/ Panjab University, Chandigarh (hereafter 'University') to scrap the UGLAW entrance test for admission to the B.A./B.Com. LL.B. (Hons.) 5 years' integrated course (hereafter 'the 5-year law course') for the academic year 2020-21.

2. It requires to be noted at the outset that initially the University proposed to hold an entrance exam for the 5-year law course and the date initially fixed for the purpose kept getting cancelled and re-fixed on account of the Covid-19 situation in the country. Prior to deciding to scrap the entrance test the University had proposed to hold it on 4th October 2020.

3. The trigger for the present petitions is the circular dated 11th August 2020 issued by the University announcing that it has "scrapped the UGLAW entrance test", considering the Covid-19 situation. The said circular also sets out a fresh schedule for the admission process which *inter alia* states that a tentative merit list would be displayed on the website of the University by the evening of 22nd September 2020 and after inviting objections thereto the provisional list would be displayed by the evening of 29th September 2020.

4. It is common ground that as a result of the UGLAW entrance test for the 5-year law course being scrapped the admission of students would be essentially on the basis of the marks obtained in the 10+2 examination.

5. The submission of the Petitioners who have applied for the 5-year law course is that the excuse of Covid-19 for scrapping the entrance test is not valid when in fact the University is holding entrance exams for other courses including the three year law course for the same academic session. They further submit that the 12th standard marks as a sole criterion for determining the suitability of a candidate for admission to the 5-year law

course would not be either a reasonable or a reliable one. It renders the admission process arbitrary and violative of Article 14 of the Constitution. Reference is made to the recent orders of the Supreme Court declining to postpone or scrap the holding of entrance exams for courses elsewhere in the country.

6. Notice of motion in both petitions. Notice is accepted by counsel for Respondents as indicated in the appearances above. With the consent of counsel for the parties the petitions are finally disposed of by this order since the point involved is short and requires urgent directions,

7. It requires to be noted at the outset that when CWP-12832-2020 was taken up for hearing yesterday i.e. on 31st August, 2020, a submission was made by Mr. Deepak Vashishth, learned counsel for the Petitioner, that the University was in fact going ahead with holding the entrance examination for the three-year law course and therefore, there was no reason for it to scrap the entrance examination for the 5-year law course. Mr. Arun Bakshi, learned counsel appearing for the University sought time to obtain instructions on whether this was correct.

8. Today, Mr. Bakshi confirms that the University would indeed hold the entrance exam for the three-year law course. In response to a query from the Court he sought to justify the University's decision on the ground that on account of the fact that the final year examination for some of the graduate courses like B.A. have not yet been conducted, the admissions to the three-year law course would require the holding of an entrance exam whereas as far as the 5-year law course is concerned, since the results of 10+2 exam have been declared, the University felt that it could dispense with the holding of an entrance exam and make admissions on the basis of marks obtained in the 10+2 examination.

9. There is merit in the contention of the Petitioners that the avowed reason as stated in the circular dated 11th August 2020 viz., the 'Covid-19

situation' does not hold good when in fact the University is holding the entrance exam for the three-year law course.

10. As regards the reason now put forth before the Court by Mr. Bakshi, on instructions from the University, for scrapping the entrance exam for the 5-year law course, the Court does not find it to be either satisfactory or reasonable. Mr. Vikas Chatrath, learned counsel for the Petitioner in CWP-13272-2020 referred to the decision in ***Shri Chander Chinar Bada Akhara Udasin Society v. State of J&K (1996) 5 SCC 732***, where in the context of the need to hold a common entrance exam for admission to the MBBS course, the Supreme Court *inter alia*, observed as under:

“It need not be pointed out that the percentage of marks secured by different applicants at different types of examinations at the higher secondary stage cannot be treated as uniform. Some of such examinations are conducted at the state level, others at the national level including the Indian School Certificate examination. The percentage secured at different examinations are bound to vary according to the standard applied by such examining bodies, which is a well known. As such a common entrance examination has to be held.”

11. The Court finds the above observations to be apposite in the present context. Given the fact that there is generally little scope of inclusion of law based subjects in the syllabus for the 10+2 classes, it is not possible to make a comparative assessment of suitability of candidates for admission to the 5-year law course solely on the basis of marks obtained in the 10+2 exam. It would not be safe or reliable to either give equal weightage to the performance of students in the science, arts, commerce streams in the 10+2 level or give preference to one over the other in adjudging the suitability for the 5-year law course. It requires to be noted that the Common Law Admission Test (CLAT) for admission to the national law schools for the current academic session has not been scrapped. The UGC's stand in regard to holding of entrance tests for admission to various courses also requires to be taken note of.

12. The Court is of the considered view that given the requirements of the 5-year law course and considering the fact that the University is in fact holding the entrance examination for the three year law course, the reason put forth for scrapping the entrance examination for the 5 year law course does not appears to be justified.

13. In the circumstances, the Court disposes of these petitions with a direction to the University to re-consider its decision to scrap the UGLAW entrance examination for the 5-year law course as expressed in its circular dated 11th August 2020 and take a fresh decision in that regard not later than 15th September, 2020 keeping in view the observations of this Court in the present order and the grounds raised in these petitions. The said decision will be uploaded on the website of the University immediately after it is taken. Till such time, the University will not proceed with making admissions to the B.A./B.Com. LL.B. (Hons.) 5 years' integrated law course on the basis of the Circular dated 11th August, 2020 as well as guidelines uploaded on the website of the University on 25th August, 2020.

14. A photocopy of this order be placed in the file of connected case.

[S. MURALIDHAR]
JUDGE

[AVNEESH JHINGAN]
JUDGE

1st September, 2020
pankaj baweja

Whether speaking / reasoned: Yes

Whether reportable : Yes