

13.09.2021

Item No.10
Court No.1

W.P.A (P) 240 of 2021

Subhasis Dey

Vs.

The State of West Bengal & Ors.

(Through video conference)

Mr. Anubhav Sinha and
Mr. Sankar Kumar Samanta, Advocates (Present in
Court)

Mr. Samrat Sen and
Mr. Rajat Dutta, Advocates

.....For the Petitioner
(Through VC)

Mr. Amitesh Banerjee,
Mr. Nilotpal Chatterjee,
Mr. Raja Saha and
Mr. Satyaki Banejee, Advocates

.. for the University of Calcutta
(Present in Court)

The question in this Writ petition revolves around notification issued by the Respondent No. 2 University of Calcutta, whereby it invited applications for admission in the 5-year B.A. L.L.B., course. It was indicated that no entrance exam was to be conducted and a merit list would be prepared on the basis of marks obtained in best 4 subjects of 10 + 2 level examination of any board.

The petitioner is challenging the said admission on the grounds that it is not fair to use one yardstick and develop any form of equivalency in developing a selection criterion for admission to the respondent No.2 University. As per the petitioner, it fails to create a level playing field as the grading patterns vary across different boards. He

also contends that the practice of conducting an Entrance exam to select students to pursue law in the respondent No.2 University was precisely introduced to overcome these challenges of dealing with assessing equivalency of grades across subjects, boards, states and even schools, as there are also internal school grades that get added to the overall scores obtained by the student. In such case, it is contended that Entrance examination, therefore, is the only way to assess merits of all candidates by using same yardstick.

The respondent No.2 University issued notification dated 23rd August, 2021 whereby it invited applications for admission in the aforesaid course. It was indicated in the said notification that no Entrance exam will be conducted and a merit list would be prepared on the basis of marks obtained in the best 4 subjects of 10+2 level examination of any board. It is important to note that the petitioners have not challenged or objected to the above-mentioned notification in any manner.

The petitioner also contends that the students were granted marks on the basis of an overall estimation of their performance and not by evaluation of their merit by way of an actual examination. Such a procedure had created a scenario, whereby some schools have awarded higher scores than others. Furthermore, it is contended that the 10+2 marks are not academic stream neutral since students of science stream tend to get scores higher than those studying social sciences and humanities.

Hence, establishing equivalence among these boards and their grading criteria and patterns is not possible to achieve. The marks obtained in the best 4 subjects of 10+2 level examinations would vary for different streams, boards and schools and as such it would not be possible for respondent No.2 University to assess the skills and aptitude of all candidates with the same yardstick.

The contention that the method opted by the respondent No.2 creates a different class of candidates (since they come from different boards, streams and schools) and hence violates fundamental rights of the candidates under Article 14 of the Constitution of India, is not convincing. Since the marks being awarded to a student in various schools and boards involves a streamlined process and is subjected to the public scrutiny of such selection criteria or method. The argument that the marks were granted by the whims and fancies of various schools and boards does not hold much ground.

Similarly, the contention that the admission procedure adopted, would lower the standard of legal education the respondent No.2 University is without any merit as it is the Bar Council of India, which is entrusted with responsibility of maintaining the quality of legal education. To the extent that the Universities comply with the minimum eligibility requirements set by the Bar Council, they are the most competent authority to decide on their admission criteria.

The method of admissions was changed for this year because of Covid-19 Pandemic and as all other Universities throughout the State of West Bengal are following the merit based marks system, the writ petition being WPA (P) 240 of 2021 is dismissed.

[Rajesh Bindal, C.J (A)]

[Rajarshi Bharadwaj, J.]