

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

**CWP No.14793 of 2020 (O&M)
Date of decision : 04.02.2021**

Shobha Rani & anr.

..... Petitioners

versus

Union of India & ors.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present :- Mr. J.S.Rozera, Advocate
for the petitioners.

Mr. Arvind Seth, Advocate
for respondent No.1-Union of India.

Mr. Naveen Chopra, Advocate
for respondents No.2 to 4.

AJAY TEWARI, J.

1 This petition has been filed by the petitioners claiming that they have a right to get lateral admission in the B.Tech 2nd year in Dairy Technology.

2 As per the petition, the respondent No.3 conducts a course in Dairy Technology and as per notification February, 2018 (Annexure P-8) the three top students of the diploma course were entitled to lateral admission in the 2nd year of the B.Tech course of Dairy Technology run at the campus of respondent No.2. However, in the academic year 2020-2021 admission to only the top candidate was given whereas the present petitioners who are at No.2 & 3 in the merit list were illegally denied the admission. In the written statement filed by the respondents it has been

disclosed that since there was a significant decrease in admission to the diploma programme, the Academic Council of the respondent No.2 in its 47th meeting held on 23.11.2019 decided that only 10% of the passed out students be given admission as a lateral entry to B.Tech (DT) 2nd year programme. Further during the academic session 2019-2020 only five students cleared the diploma and on the basis of the decision of the Academic Council (*supra*) one student was granted admission. It has been argued that no challenge has been laid to this decision and the whole claim is based on the decision which had been taken for the previous years which is no longer applicable. Further the decision has been defended even on merits by asserting that the Academic Council (*supra*) is the supreme body to decide these issues and it was only after having a conspectus of the entire facts including the fact that there is very less admission in the diploma course, that the present decision was taken.

3 It has been held in a catena of judgments that Courts should be loathe to interfere in purely academic matters. Moreover, the Supreme Court in **Ran Vijay Singh & ors. Vs. State of U.P. & ors.**, 2018 AIR (SC) 52 laid down as follows :-

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly,

without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”

4 More recently the Bombay High Court in **Sanjay Bhaskarrao Kale Vs. The Union of India & ors.**, Public Interest Litigation No.116 of 2016 decided on 20.01.2021 has held as follows :-

“3.An attempt is made by the petitioner by presenting this Public Interest Litigation to make us don the hat of an academician too and interfere in academic matters, a field of activity where we have little or no expertise.....”

5 In this view of the matter, we find ourself unable to grant any relief to the petitioners and consequently, the petition stands dismissed.

6 Since the main case has been dismissed, the pending Misc. Application, if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

04.02.2021

pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No