

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-04.01.2021

CWP No.18084 of 2020(O&M)

1.

Smriti.

.....Petitioner.

Versus

Panjab University & Ors.

.....Respondents.

2.

CWP No.20770 of 2020(O&M)

Kavya Goel.

.....Petitioner.

Versus

Panjab University & Ors.

.....Respondents.

3.

CWP No.20592 of 2020(O&M)

Malayika Verma.

.....Petitioner.

Versus

Panjab University, Chandigarh & Ors.

.....Respondents.

4.

CWP No.20594 of 2020(O&M)

Divya Arunima.

.....Petitioner.

Versus

Panjab University & Ors.

.....Respondents.

5.

CWP No.20609 of 2020(O&M)

Utkarsh Sharma.

.....Petitioner.

Versus

Panjab University, Chandigarh & Ors.

.....Respondents.

6.

CWP No.21222 of 2020(O&M)

Aditya Pratap Singh.

.....Petitioner.

Versus

The Panjab University & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. S.K. Garg Narwana, Senior Advocate assisted by
Mr. Vishal Garg Narwana, Advocate for Petitioner
(in **CWP No.18084 of 2020**).

Mr. Puneet Gupta, Advocate for Petitioner
(in **CWP No.20770 of 2020**).

Mr. Sandeep Moudgil, Advocate for Petitioner
(in **CWP No.20592 of 2020**).

Er. Sandeep Suri, Advocate for Petitioner
(in **CWP No.20594 of 2020**).

Petitioner Utkarsh Sharma in Person
(in **CWP No.20609 of 2020**).

Mr. Pardhuman Garg, Advocate for Petitioner
(in **CWP No.21222 of 2020**).

Mr. Akshay Kumar Goel, Advocate for
Respondent-Panjab University.

JASWANT SINGH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]

Through this common order, two sets of cases will be decided as these involve inter-related prayers and issues viz. whether the Panjab University was correct in publishing notice dated 28.11.2020 whereby resolution dated 02.09.2020 granting weightage of 4 marks to students who had “Legal Studies” subject in 10+2 examination for admission to B.A LL.B (Hons) 05 Years Integrated course has been withdrawn; and whether on the basis of such decision dated 2.9.2020 taken and/or as weightage given to aspirants of B.Com LL.B (Hons) 05 Years Integrated course, similar benefit/weightage should be granted to students having subjects of B.A. LL.B (Hons.) Integrated 05 Years Law Course(s) or not.

It is a matter of record that Panjab University offers two 05 Years Integrated Courses viz. B.A. LL.B (Hons.) and B.Com LL.B (Hons.) with 184 seats each at UIILS, Chandigarh with additional 120 seats for B.A. LL.B (Hons.) 05 Year Integrated Course at two regional centres of University. It is also undisputed that all the writ petitioners are aspirants for admission to B.A. LL.B (Hons.) 05 Year Integrated Course seeking weightage of additional marks as is being extended to B.Com LL.B. (Hons.) 05 Years Course.

For sake of convenience, the prayers made and issues raised are being segregated writ wise and set wise:

1st set of cases

(I) CWP-18084-2020 titled as Smriti Vs. Panjab University and others

(II) CWP-20770-2020 titled as Kavya Goel Vs. Panjab University and others.

(I) CWP-18084-2020:-

In this writ petition, the petitioner has prayed for quashing the resolution dated 02.09.2020 (Annexure P-4) vide which weightage of 04 Marks was granted to the students who had qualified "**Legal Studies**" subject in 10+2 Examination as the same weightage was not extended to the "**Economics subject**" to the students who had passed 10+2 Examination with "**Economics subject**" as is being given to the students seeking admission in B.Com LL.B. (Hons.) 05 years Integrated Course. She further prayed that the respondents-University be directed to fill-up the seats of B.A. LL.B. (Hons.) 05 years Integrated Course by providing weightage of 04 Marks to the "**Economics subject**" to the petitioner who had passed 10+2 Examination with **Economics subject** as the same weightage was given to the students who had passed 10+2 Examination in Commerce with **Economics subject**. The petitioner alleged that she is entitled to weightage of 04 marks for the **subject of Economics** as being granted to the **subject of Legal Studies**. Hence, she alleges discrimination qua students like her seeking admission to B.A. LL.B (Hons.) 05 Years Integrated Course

(II) **CWP-20770-2020:-**

In this writ petition, the petitioner has prayed for quashing the Provisional Merit List dated 27.11.2020 (Annexure P-14) prepared without granting weightage of Marks to the subject of "**Mathematics**" qualified by the petitioner in 10+2 examination while seeking admission in B.A. LL.B. (Hons.) 05 years Integrated Course as the same weightage was extended to the students seeking admission in B.Com LL.B. (Hons.) 05 years Integrated Course. She further prayed that the respondent-University be directed to prepare a fresh revised Merit List of B.A. LL.B. (Hons.) 05 years Integrated Course by providing weightage of Marks to the "**Mathematics subject**"

qualified in 10+2 Examination.

2nd set of cases

- (I) CWP-20592-2020** (Malayika Verma Vs. Panjab University and others.)
- (II) CWP-20594-2020** (Divya Arunima Vs. Panjab University and others.)
- (III) CWP-20609-2020** (Utkarsh Sharma Vs. Panjab University and others.)
- (IV) CWP-21222-2020** (Aditya Partap Singh Vs. Panjab University and others.)

All the above mentioned writ petitions were filed by the petitioners when the University withdrew weightage of 04 marks granted to the "Legal Studies Subject" vide resolution dated 02.09.2020 to the students seeking admission in B.A. LL.B. (Hons.) 05 years Integrated Course only.

(I) CWP-20592-2020:-

The petitioner namely Malavika Verma prayed that Brochure of the University (**Annexure P-2**) as far as it relates to "**Merit Calculation (Annexure P-3)**" for B.A. LL.B. (Hons.)/ B.Com. LL.B. (Hons.) 05 years Integrated Course allowing weightage of 04 Marks to the "Legal Studies Subject" passed at +2 Level to B. Com. LL.B. (Hons.) 05 years Integrated Course only be quashed. She further prayed that Notice dated 28.11.2020 (**Annexure P-16**) vide which weightage of 04 marks withdrew to the "Legal Studies Subject" be quashed which was earlier granted vide resolution dated 02.09.2020 (**Annexure P-7**) to the students seeking admission in B.A. LL.B. (Hons.) 05 years Integrated Course. She further prayed that she be allowed to participate in the counseling rescheduled for 02.12.2020 for admission in B.A. LL. B. (Hons.) 05 years Integrated Course as per the Merit List dated 19.10.2020 (**Annexure P-10**) prepared by granting weightage of 04 Marks

to the Legal Studies subject.

In this matter notice of motion was issued on 01.12.2020 and conduct of counseling based on revised list fixed for 02.12.2020 was ordered to be kept in abeyance.

(II) CWP-20594-2020:-

The petitioner namely Divya Arunima prayed for quashing the Notice dated 27.11.2020 (**Annexure P-12**) vide which weightage of 04 marks was withdrawn to the "**Legal Studies Subject**" and Provisional Merit List dated 27.11.2020 (**Annexure P-11**) showing her rank at No. 262, reduced from No. 17 as shown in Tentative Merit List dated 19.10.2020 (**Annexure P-8**), for admission in B.A. LL.B (Hons.) 05 years Integrated Course. She further prayed that the University be directed to restore her rank in the Provisional Merit List at 17. In this matter, notice was issued on 01.12.2020 and interim order in same terms as passed in CWP No. 20592 of 2020 was passed.

(III) CWP-20609-2020:-

The petitioner prayed for quashing the Notice dated 27.11.2020 (**Annexure P-1**) vide which weightage of 04 marks was withdrawn to the "**Legal Studies Subject**" and Provisional Merit List dated 27.11.2020 (**Annexure P-7**) showing his rank at No. 356 reduced from No. 26 as shown in Tentative Merit List dated 19.10.2020 (**Annexure P-5**), for admission in B.A. LL.B (Hons.) 05 years Integrated Course. He further prayed that the respondents-University be directed to adopt the criteria of granting weightage of 04 marks to the "**Legal Studies Subject**" as per resolution dated 02.09.2020 (**Annexure P-4**) and restore the Tentative Merit List dated 19.10.2020.

In this matter notice of motion was issued on 02.12.2020 and it was ordered that this matter be listed alongwith CWP No. 20592 of 2020.

(IV) CWP-21222-2020:-

The petitioner prayed for quashing the Brochure of the University (**Annexure P-2**) giving weightage of 04 marks to the "**Legal Studies Subject**" to the Students qualified at +2 Level seeking admissions in B.Com. LL.B. (Hons.) 05 years Integrated Course but was denied the same for admission in B.A. LL.B (Hons.) 05 years Integrated Course.

In this matter notice of motion was issued on 10.12.2020 and interim order in terms of order passed in CWP No. 17665 of 2020 and other connected matters was ordered.

2. In this set of writ petitions, the petitioners allege that resolution dated 02.09.2020 was wrongly withdrawn vide notice dated 28.11.2020 and also assert discrimination on the ground that weightage of 04 marks was granted to the Commerce subjects which includes "Legal Studies Subject" to the students seeking admission in B.Com. LL.B. (Hons.) 05 years Integrated Course but was declined to the students seeking admission in B.A. LL.B. (Hons.) 05 years Integrated Course.

CRUX OF THE STAND TAKEN BY PETITIONER IN BOTH SET OF WRIT PETITIONS

Although detailed written submissions have been given by the writ petitioners, however, on a perusal thereof, we find that following is the common stand/arguments of the writ petitioners which is required to be noticed:-

- In case weightage is given to students who had taken Legal Studies as a subject in 10+2 for seeking admission in

B.A. LLB (Hons.) Course then similar kind of weightage should also be given to students who have studied specialized subjects relating to the courses where they seek admissions.

- Judgment of Aditya Pratap Duggal & Others Vs. Panjab University and another bearing CWP No.15512 of 2013 relied upon by the University goes in favour of the petitioners as this Court has directed University to award 4 marks for the commerce subject(s) studied at +2 level, to students seeking admission to B.Com LL.B (Hons.). It is further further argued that this judgment is per incuriam, as the Court in Aditya Pratap Duggal's Case (supra) had not considered the fact that 5 year law course is an integrated one which cannot be splitted and the same is governed by the Rules of the Bar Council of India, especially Rule 13 of Legal Education Part-IV, which prohibits lateral entry by awarding a degree in splitting the integrated double degree course at any intermediary stage.
- The P.U. Calendar; Brochure; Rules and Regulations; Hand Book of information 2020-21; or guidelines attached to brochure do not specially provide for weightage of four marks for legal studies subject in B.Com LL.B (Hons.) 5 Year Course.
- University is wrongly granting weightage of marks to a few additional subjects apart from commerce while granting admission to B.Com LL.B (Hons) course by relying upon amendment made to PU Calendar Vol-II, as the same has been carried out on 20.07.2020 i.e. much later to the publication of Brochure.
- There cannot be discrimination amongst similar set of courses especially when the eligibility criteria is same for all the students and all are eligible for both the courses with the same qualification i.e. 10+2 in any stream.

Stand of University:

in all these cases is that no discrimination has been caused by the University while granting weightage of marks to the Commerce Subjects only to the students seeking admission in B.Com. LL.B. (Hons.) 05 years Integrated Course.

4. As per the University, the process for admission to the B.A.LL.B. (Hons.) 5 years integrated Course and B.Com. LL.B (Hons.) 5 years integrated Course was initiated and effected in accordance with the provisions of the Prospectus, issued on 01.04.2020 and Online Admission Schedule issued from time to time due to Covid 19 pandemic outbreak and applying the decision dated 25.07.2013 in CWP No. 15513 of 2013, titled as Aditya Pratap Duggal and others Vs. Panjab University and others; as also **CWP No. 15806 of 2013, titled as Pragajit Loomba Vs. Panjab University** whereby this Court had directed the University to award 4 marks for B.Com LL.B (Hons.) 05 years integrated course in parity with B.Com course offered by the Univeristy.

5. The University prepared the provisional merit list for B.A. LL.B. (Hons.) 5 years Integrated Course as per the criteria stated in PARA 23 of the Prospectus i.e., Entrance Test: 50% + Qualifying Examination (+2): 50% + other admissible weightage and for B.Com. LL.B. (Hons.) 5 years Integrated Course i.e., Entrance Test: 50% + Qualifying Examination (+2): 50% + with weightage for Commerce subjects and other admissible weightage. Every candidate was given 50 marks for entrance test (since entrance test scrapped). The permissible weightage to the commerce subjects provided in the Calendar of the University as well as the Prospectus has been allowed. It has been specifically mentioned in PARA 23 of the Prospectus that "***weightage shall be given for the commerce subjects for***

admission to B.Com.LL.B (Hons.) as per P.U. Calendar and other rules and regulations laid down by Competent Authorities/bodies of Panjab University from time to time". Thus, weightage has been allowed only for the "**Commerce Subjects**" to the students seeking admission in B.Com. LL.B. (Hons.) 5 years Integrated Course.

6. However, for this academic year 2020-21, considering the COVID 19 pandemic situation, the University scrapped the UGLAW entrance test and the admission was to be made on the basis of 10+2 examination result. This Court vide decision dated 04.11.2020 in **CWP-16962-2020** titled as **Chiraag Malhi Vs. Panjab University and others** upheld the scrapping of the entrance examination with the observation that "*the scrapping of the entrance examination, as it could lead to spread of virus, therefore appears to be in public interest, which cannot be faulted in the light of above facts and circumstances and thus, do not call for interference by this court, especially when the respondent University has specifically stated that this decision is only for this year because of the peculiar and unexpected situation arising out of the pandemic*". Consequently, decision to give *en-mass* 50% weightage on account of non-holding of written examination as also admission based on simplicitor qualifying examination have been upheld.

7. Thus, in nutshell, the main thrust of argument raised by respondent-University is that the admission process is being carried out as per prospectus issued which has a statutory backing of University calendar and therefore the claims raised by writ petitioners for equating them with B.Com LL.B (Hons.) 5 years course cannot be granted.

8. As far as **issue regarding denial of weightage of marks to the**

Legal Studies Subject qualified at +2 level to the Students seeking admission in B.A. LL.B.(Hons.) 05 Years Integrated Course is concerned, it is the stand of University that the Panjab University does not provide any **"weightage to any other subjects of Humanities/Science/Commerce"** in its Calendar when the students seek admission in B.A. /B.Sc. 3 years Degree Course or in any other Faculty providing graduation in any stream. Equally the students possessing requisite qualification of +2 level while seeking admission in B.A. /B.Sc. 3 years Degree Course, or in any other Faculty providing graduation in any stream are not entitled to claim **"weightage in any particular subjects of Humanities/Science/Commerce"** as are being provided to the students of +2 commerce stream seeking admission in the regular B.Com Course. Similarly, **"No weightage"** has been allowed for any other **Humanities/Science/Commerce subjects** to the students seeking admission in B.A. LL.B. (Hons.) 5 years Integrated Course nor any weightage is provided for the Commerce Subjects to the candidates seeking admission in B.A. LL.B. (Hons.) 5 years Integrated Course.

9. It is further submitted that the University cannot and is not empowered under the provisions of the Calendar to change the criteria by allowing weightage of 4 Marks to the students who studied/qualified the subject of "Legal Studies/Economics/Mathematics or for any other subjects" while seeking admission in the B.A. LL.B. (Hons.) 5 years Integrated Course when no weightage of marks for theses subject or any other subjects of Humanities/Science/Commerce etc., is provided for other courses i.e., B.A. /B.Sc. 3 years Degree Course or in any other Faculty providing graduation in any stream in Calendar of the University. Had any weightage of marks for any subject(s) of Humanities/Science/Commerce etc., been

provided in seeking admission in B.A. /B.Sc. 3 years Degree Course, then of course similar weightage had to be made available to the students seeking admission in the B.A. LL.B. (Hons.) 5 years Integrated Course. In the absence of giving any weightage of any marks to any subjects of Humanities/Science/Commerce etc., while seeking admission in B.A./B.Sc. 3 years Degree Course would not clothe the candidate(s) with weightage of marks in a particular subject of "Legal Studies/Economics/Mathematics or for any other subjects" for seeking admission in B.A. LL.B. (Hons.) 5 years Integrated Course.

10. Hence, again emphasis has been laid by the University on its Calendar as well as prospectus issued by it for the present academic year to justify the non-inclusion of weightage to any other course.

11. For the **issue regarding the withdrawal of resolution dated 02.09.2020**, it is stated by University that although 'The Joint Admission Committee' had recommended/proposed that weightage of 04 marks shall be given to the students who had studied Legal Studies Paper in 10+2 while seeking admission in B.A. LL.B. (Hons) 5 years Integrated course also. However, it is emphatically denied that the weightage of 04 marks has been provided vide letter/communication dated 02.09.2020 for the Legal Subject Paper passed at +2 level to the students for seeking admission both in B.A. LL.B and B.Com LL.B. (Hons.) 5 years Integrated course vide decision taken on 20.08.2020 by the Joint Admission Committee. Nonetheless, the letter dated 02.09.2020 was made available on the website **uglaw@puchd.ac.in** and the tentative list was prepared by giving weightage of 4 marks to the Legal Studies subject to the candidates seeking admission in B.A. LL.B. (Hons.) 05 years integrated course also which was

displayed on 19.10.2020.

12. In pursuance thereto, 20.10.2020 and 21.10.2020 were fixed for inviting objections from the students against the tentative list. Numerous objections were filed by the students against the tentative list prepared for B.A. LL.B. (Hons.) 5 years Integrated course. Thereafter, a notice was displayed on the abovesaid website that the provisional merit list for admission to the B.A., B.Com LL.B. (Hons.) 05 years integrated course was to be displayed on 23.10.2020 by evening but the same was postponed till further orders.

13. Finally the Vice-Chancellor after going through minutes of the meeting dated 20.08.2020 of the Joint Admission committee and giving due consideration to the provisions of the Prospectus, the Hand-Book of Information 2020 and the amended provisions of VOL II of the Calendar, 2007 dealing with the admissions in B.Com. (Semester System) for the session 2020-2021 **did not approve the recommendation dated 20.08.2020 proposed by the Joint Admission Committee. Thereafter, the UIIS withdrew the letter/communication dated 02.09.2020 and displayed provisional merit list of the candidates seeking admission in B.A. LL.B. (Hons.) 5 years Integrated course without giving weightage of 4 marks to the Legal Studies Paper.**

14. Here again the University had referred to its Calendar and Prospectus to say that the decision was not approved by the competent authority-Vice Chancellor as awarding of such weightage goes against these statutory documents.

We have heard Ld. Counsel for the parties at length and have perused the paperbooks.

Issue for consideration

15. It is seen that the facts of the case are not much in dispute. However, we acknowledge that the dispute centers around only one **ISSUE** viz the granting of weightage of four marks towards certain subjects for admission to B.Com LL.B (Hons) 05 Year Integrated Course and non-awarding of similar weightage to other/similar subjects while admitting students to B.A. LL.B (Hons) 05 Year Integrated Course towards determination of merit by Panjab University.

Discussion

16. Having deliberated upon the controversy involved and scrutinized the rival submissions, we are of the opinion that the counsel for the University is correct when he submits that the University is bound by the Calendar and Prospectus, when concededly neither are the provisions of the University Calendar or the Prospectus are under challenge, for the purpose of conducting admissions to various courses. The Calendar of any University has a statutory backing which cannot be deviated from by the University. Once, in the said Calendar, the mode of admissions and weightage to be awarded has been mentioned, which has been admittedly followed in the prospectus by the University, then even the prospectus is binding upon the University as well as the students applying under the said prospectus.

17. A perusal of the record shows that Vol. II, Para 3.1 B of the University Calendar stipulated that weightage of 4 marks for each of the Commerce subjects as per PU Calendar Vol.II, Para 3.1A (a) but not exceeding 16 in total, be provided to the students seeking admission to the regular B.Com. 3 year Degree Course.

18. On the basis of this very paragraph in the PU Calender some students preferred writ petitions bearing **CWP No. 15513 of 2013**, titled as **Aditya Pratap Duggal and others Vs. Panjab University and others** and **CWP No. 15806 of 2013**, titled as **Pragajit Loomba Vs. Panjab University** seeking quashing of the eligibility criteria provided by the University for admission to B. Com. LL.B. (Hons.) 5 years Integrated Course as it was contrary to the criteria provided for admission to the regular B.Com. 3 year Degree course by the University and further claiming that the seats of the B. Com. LL.B. (Hons.) 5 years Integrated Course may be filled up by adopting the same eligibility criteria as provided for admission to the regular B.Com. Degree course i.e. by allowing weightage of 4 marks for each of the Commerce subjects as provided in PU Calendar Vol.II, Para 3.1 B but however not exceeding 16 in total. This Court allowed the writ petitions vide **decision dated 25.07.2013** directing the University that the final merit list for admission to B. Com. LL.B. (Hons.) 5 years Integrated Course be prepared by giving weightage to the students as was being given to the students seeking admission to the regular B.Com. 3 year Degree Course.

19. It was also observed by this Court that a student of regular B.Com. Degree Course would get Degree of Commerce after completion of 3 years of study and similarly the student of B. Com. LL.B. (Hons.) 5 years Integrated Course would also get the Degree of Commerce after completion of 3 years as had been decided in the meeting of the Senate dated 22.12.2012 and 24.01.2013 in which it was approved that "if a student of 5 year B.A.LL.B. (Hons.) 05 years Integrated Course wishes to discontinue his/her studies, he/she be awarded the degree of B.A., after successful

completion of the first three years of the course". The decision of the Senate was contrary to what the Bar Council of India had prohibited "lateral exit" by bifurcating the two Degrees of B.A. and LL.B. Thus, the University itself decided to award Degree of B.A. to the students after their completion of successful 3 years Course in the B.A. LL.B.(Hons.) 5 years Integrated Course students. Similarly Degree of B.Com., after completion of successful 3 years Course in the B.Com. LL.B.(Hons.) 5 years Integrated Course was to be awarded/allowed.

It is an admitted position that no appeal was filed against the said judgment and same has attained finality. Once that is so, we are of the opinion that the said judgment is binding upon the University as it conclusively decided an issue regarding grant of weightage to a particular stream of students on the basis of interpretation of the University Calendar applicable at that point of time. It is true that accurate import and effect of Rule 13 of Legal Education Part-IV of Bar Council of India Rules (Prohibiting splitting up of Integrated 05 years degree law courses) has not been considered by the University while taking a decision for splitting up the 05 years integrated courses of Law, however, in view of the fact that petitioners are claiming weightage of marks on the basis of Aditya Pratap Duggal's judgment in their streams as well and are not challenging the grant of weightage to B.Com LLB (Hons.) 05 years integrated Course, this decision is binding on the University till it is revisited in appropriate case.

20. Coming back to our discussion, it is not in dispute that the University implemented the above mentioned decisions and started giving weightage in Commerce subjects to the students seeking admission to B. Com. LL.B. (Hons.) 5 years Integrated Course as being given to the students

seeking admission to the regular B.Com. 3 year Degree Course. We have been told that there was/is no other *statutory right* (except based on the judgment and the consequent amendments in University Calendar) vested for the students of +2 commerce stream for seeking weightage for commerce subjects while seeking admission in B. Com. LL.B. (Hons.) 5 years Integrated Course, which in any case is not admissible towards seeking admission in B.A LL.B 05 years integrated course. Therefore, before proceeding further, it is necessary to analyse and understand the methodology for granting of weightage to B.Com 3 Years Course as well.

METHODOLOGY FOR GRANT OF WEIGHTAGE TO B.COM 3 YEAR DEGREE COURSE

21. Further, we find from the record that aforesid Para 3.1A and Para 3.1 B of Vol. II, Panjab University Calendar were replaced and renumbered as Para 2(A) and Para 2(B) respectively by the Regulations whereby Semester System for Bachelor of Commerce was introduced w.e.f. Session 2014-15.

22. It is also apparent that the Assistant Registrar (General) conveyed to the Chairperson, University Business School, Panjab University, Chandigarh vide letter dated 20.07.2020 that the Vice-Chancellor had approved the recommendation of the Extended Undergraduate Board of Studies in Commerce dated 03.03.2020 (providing *inter alia* inclusion of additional subjects in Commerce for grant of weightage) in anticipation of the approval of the Syndicate/Senate that addition in Regulation 2 (A) for B.Com (Semester System) be made for calculation of weightage for admission in B.Com Course w.e.f **the academic session 2020-2021**, as per appendix. Thus the provisions of Panjab University calendar, Volume II, 2007 dealing with the admission for

the Bachelor of Commerce (Semester System) stood amended with addition in Regulation 2(A), (effective from the session 2020-2021). The admission to the regular B.Com Course for the session 2020-2021 had already been effected according to the amended provisions of Vol. II, 2007 Calendar which had been prescribed in the Prospectus for the session 2020-2021 and the extract is reproduced below:-

“

BACHELOR OF COMMERCE (B. Com)

1. 2 (A)	Admission to the first semester of B.Com Degree Course shall be open to a person who has passed one of the following examinations conducted by a recognized Board / Council / University:
a)	+2 Examination or B.Com Part-I (Old Scheme) of Panjab University with three of the following subjects securing at least 45% marks in aggregate;
i)	Commerce (or Theory of Commerce or Foundation Course in Commerce)
ii)	Accountancy (or Book Keeping and Accountancy)
iii)	Economics
iv)	Business Organization (or Business Management or Theory and Practice of Management)
v)	Insurance (or General Insurance or Life Insurance)
vi)	Banking and Trade
vii)	Commercial Geography
viii)	Office Management and Secretarial Practice (or Office Organization and Management)
ix)	Mercantile Law (or any Company Law)
x)	Auditing
xi)	Typewriting and Stenography/Computers (for typewriting)

ADDITIONAL SUBJECTS:

Accountancy/Accounts/Accounting	Cost Accounting
Accounting for Business	Derivative Market Operation
Advance and Foreign Exchange	Economics Geography
Advanced Maths & Computer Applications	Economics
Auditing	E-Commerce
Banking	Elements of Accounting
Booking Keeping and Accountancy	Elements of Cost Accounting and Auditing
Business Economics & Quantitative Methods	Elements of Cost Accounting
Business Mathematics	Entrepreneurship
Business Organization & Management	Factory Organization / Office Administration
Business Studies	/Financial Accounting
Business Studies-II	Financial Market Management
Capital Market Operations	Fundamental of E-Business
Commerce	Human Resource Management
Computerized Accounting II	Income Tax
Informatics Practices	Office Communication

Insurance	Office Procedures and Practices
Introduction to Financial Markets	Organization of Commerce
Investment Management	Principles and Practices of Life Insurance
Legal Studies	Principle of Management & Economics
Management and Marketing of Insurance	Retailing
Management of Resources	Retail Management
Marketing	Salesmanship
Marketing and Salesmanship	Secretarial Practices and Accounting
Marketing Management and Retail Business	Shorthand
Materials Management	Statistics Store Accounting
Mathematics	Type Writing
Mathematics (B)	Theory and practice of Commerce
Management of Bank Office	Taxation
Modern Office Practice-II	

- b) +2 Examination with at least two of the subjects mentioned in (a) securing at least 50% marks in aggregate.
- c) +2 Examination who does not cover (a) and (b) securing at least 55% marks.
- d) Any other examination recognized by Panjab University as equivalent to (a) or (b) or (c) as given above with requisite percentage of marks given under each clause."

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"B) Subject to the reservation made by the University, the admission shall be on merit. The merit for this purpose shall be determined on the basis of the score of a candidate to be computed as follows:

- (i) Percentage of marks in the qualifying examination
- (ii) **Add score of 4 for each of the subjects passed from the subjects referred to in 3.1 (A) not exceeding 16 in total. "**
(emphasis supplied)

The Commerce Subjects shown from (i) to (xi) are the one which are prescribed in PARA 2(A) (a) of Vol. II of the University Calendar and the University had introduced "**Additional Subjects**" in the same PARA from the session 2020-2021 for which also the students could claim weightage of 4 marks for each subject which shall not exceed 16 in total as per PARA 2 (B) while seeking admission in regular B.Com (Semester System) Course. The List of "**Additional Subjects**" (the genesis leading to

dispute involved herein) includes the subject of "Legal Studies" for which a student of +2 of Commerce stream or any other stream studied it in +2 level was entitled to weightage of 4 marks as per PARA 2 (B) while seeking admission in regular B.Com. 3 years Degree Course.

WEIGHTAGE GIVEN TO SUBJECTS FOR ADMISSION TO B.COM THREE YEARS COURSE ALSO GIVEN TO STUDENTS SEEKING ADMISSION TO B.COM L.L.B (Hons.) 05 YEARS INTEGRATED COURSE

23. Therefore, the same student who qualified "Legal Studies" in +2 level of commerce stream or any other stream, and was aspirant to seek admission in B. Com. LL.B. (Hons.) 5 years Integrated Course was entitled to seek weightage of 4 marks as was being given to the students seeking admission in regular B.Com. Course. Hence, a student of +2 Commerce stream or any other stream studied/qualified the subject of "Legal Studies" is entitled to weightage of 4 Marks while seeking admission only in regular B.Com. Course or B. Com. LL.B. (Hons.) 05 years Integrated Course but not for any other courses i.e., B.A. /B.Sc. 3 years Degree Course or in any other Faculty providing graduation in any stream or B.A. LL.B. (Hons.) 5 years Integrated Course.

24. A conjoint reading of paragraph 23 of the brochure (reproduced in paragraph 5 hereinabove of our judgment) and the aforesaid paragraphs, it is apparent that the eligibility condition for B.Com. LL.B (Hons.) 5 years integrated course shall be governed by the respective rules/regulations as enshrined in the P.U. calendar and/or the General Guidelines for Admissions/ Hand Book of Information issued by the University and/or decisions of the University Senate/Syndicate/Vice-Chancellor and in case of any conflict in the Prospectus on one hand and the

that the rules/regulations as enshrined in P.U. Calendar and/or the General Guidelines for Admissions/Hand Book of Information issued by the university would have precedence over and above the Prospectus. It is provided in the University Calendar that weightage had to be given to the admission in regular B.Com. Course and since this Court in Aditya Pratap Duggal's case had equated the B.Com. LL.B. (Hons.) 5 years integrated Course with the regular B.Com Course and therefore, weightage of 4 marks each for the subjects which shall not exceed 16 in toto as per PARA 2 (B) in the subjects shown in PARA 2 (A) to the students seeking admission in regular B.Com. Course for the session 2020-2021 had to be given to the candidate seeking admission in B.Com. LL.B. (Hons.) 5 years integrated Course. Since the amendment in the University Calendar had been carried out prior to initiation of admission process, therefore, the amended calendar (which has additional subjects) would be applicable to the present admission process. Hence the arguments raised by the writ petitioners that there is no provision in the prospectus and amended Vol-II of the University Calendar cannot be considered, are incorrect in view of the specific clause 23 in the Prospectus (as reproduced in paragraph 5 hereinabove of the judgment).

25. Resultantly, the weightage is restricted to the students of +2 of Commerce stream and the students of +2 Non-Medical, Arts or Medical stream, having qualified additional subjects of Legal studies/Mathematics/Economics while seeking admission in the regular B.Com. Course or B. Com. LL.B. (Hons.) 5 years Integrated Course ONLY but not to any other Courses i.e., B.A./B.Sc etc., as are available in the Calendar of Panjab University or B.A. LL.B. (Hons.) 5 years Integrated

Course.

26. The paragraphs of University Calendar as referred in paragraphs 21 & 22 hereinabove highlight the extent to which University Calendar has been amended for grant of additional weightage to commerce courses for admission at graduate level and they have been incorporated in the admission prospectus.

27. Reference in regard to binding nature of prospectus can be made to the Full Bench Judgment of this Court in **Indu Gupta v. Director Sports, Punjab and Anr.**, **AIR 1999 P&H 319 (FB)**. The Full Bench in paragraphs 9, 10 and 11 has expressed as follows:

" 9. A Full Bench of this Court in the case of [Raj Singh v. Maharshi Dayanand University](#), (1994) 4 Recent Services Judgments, 289 disapproved the liberal construction of the terms and conditions of the brochure and specified the need for their strict adherence to avoid unnecessary prejudice to the candidate or the authority during the course of admission. The bench approved that the eligibility for admission to a course has to be seen according to the prospectus issued before the entrance test examination and that the admission has to be made on the basis of the instructions given in the prospectus having the force of law. While disapproving the law laid down by a Division Bench of this Court in the case of *Madhvika Khurana (minor) v. M. D. University Civil Writ Petition No. 15367 of 1991*, where contrary view had been taken, the Full Bench observed that the students seeking admission to the professional colleges are even otherwise matured enough and supposed to understand the full implication of filling the admission form and compliance with the instructions contained in the brochure.

10. Subsequently, another Full Bench of this Court in the case of [Rahul Prabhakar v. Punjab Technical University, Jalandhar](#), 1997 (3) RSJ 475: (AIR 1998 Punj. & Har. 18) recapitulated the entire law on the subject. The Full Bench was considering the same brochure for the previous year of the Punjab Technical University. The Court held as under:-

"A Full Bench of this Court in [Amardeep Singh Sahota v. State of Punjab](#) (1993) 4 Serv LR 673 had to consider the scope and binding force of the provisions contained in the prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. [In Raj Singh v. Maharshi Dayanand University](#), 1994 (4) R.S.J. 289 another Full Bench of this Court took the view that a candidate will have to be taken to be bound by the information supplied in the admission form and cannot be allowed to take a stand that suits him at a given time. **The Full Bench approved the view expressed in earlier Full Bench**

*that eligibility for admission to a course has to be seen according to the prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in [Sachin Gaur v. Punjab University](#), 1996 (1) RSJ 1: (AIR 1996 Punj. & Har. 109) took the view that there has to be a cut off date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in CWP No. 6756 of 1996 by the three of us constituting another Full Bench. **Thus, it is settled law that the provisions contained in the information brochure for the Common Entrance Test 1997 have the force of law and have to be strictly complied with. No modification can be made by the court in exercise of powers under Article 226 of the Constitution of India.** Whenever a notification calling for applications, fixes date and time within which applications are to be received whether sent through post or by any other mode that time schedule has to be complied with in letter and spirit. If the application has not reached the co-ordinator or the competent authority as the case may be the same cannot be considered as having been filed in terms of the provisions contained in the prospectus or Information Brochure. Applications filed in violation of the terms of the brochure have only to be rejected."*

11. The cumulative effect of the above well enunciated principles of law, is that the terms and conditions of the brochure where they used preemptory language cannot be held to be merely declaratory. They have to be and must necessarily to be treated as mandatory. Their compliance would be essential otherwise the basic principle of fairness in such highly competitive entrance examinations would stand frustrated. Vesting of discretion in an individual in such matters, to waive or dilute the stipulated conditions of the brochure would per se introduce the element of discrimination, arbitrariness and unfairness. Such unrestricted discretion in contravention to the terms of the brochure would decimate the very intent behind the terms and conditions of the brochure, more particularly, where the cut off date itself has been provided in the brochure. The brochure has the force of law. Submission of applications complete in all respects is a sine qua non to the valid acceptance and consideration of an application for allotment of seats in accordance with the terms prescribed in the brochure.

(emphasis supplied)

28. We have referred to the aforesaid decisions only to highlight the consistent view taken by Full Benches of our High Court that conditions stipulated in the prospectus are guidelines for all concerned and everyone is required to follow the same in letter and spirit and not act in transgression.

The hopes and aspirations of the students, who applied under the said prospectus cannot be scuttled by changing it by way of introducing a corrigendum or resolution dated 02.09.2020 which does not find mention in the prospectus. A change in the conditions of the prospectus can be conceived of and allowed if such power is specifically reserved while making the prospectus public as in that case, no one can think of having a right. In that event, the same could be capable of change. No such power has been shown to us.

29. In the case at hand, in the absence of a power reserved in the prospectus as also in the Calendar, in our considered opinion, the terms of the prospectus could not have been altered by way of resolution dated 02.09.2020. It is interesting to note remarkable changes in the names of Candidates from a bare perusal of provisionial merit list dated 19.10.2020 which was prepared on the basis of resolution dated 02.09.2020 and the subsequent provisional merit list dated 28.11.2020 prepared after withdrawal of the resolution. The candidates coming within zone of consideration are absolutely different. Hence, this resolution dated 02.09.2020 having a drastic effect, according to us, was nothing but a bonafide mistake and therefore it was rightly withdrawn by the University vide notice dated 28.11.2020, after rejection by the competent authority-Vice Chancellor.

30. At this stage it is relevant to point out that petitioner namely Divya Arunima has impleaded in C.M.-13938-CWP-2020 filed in CWP-20594-2020 that the University provides weightage of 2% marks for the Subject of Economics while seeking admission in B.A. (Hons.) Economics and 10% weightages for the Social Sciences for admission in B.A.

(Hons.)Social Sciences.

Qua this, it is seen that two Special Courses i.e., B.A. (Hons.) Economics and B.A. (Hons.)Social Sciences are available only in the University Campus. Additional Weightage of 2% marks has been allowed for the subject of Economics only to the students who had studied Economics at +2 level while seeking admission for B.A. (Hons.) Economics. Further, Weightage of 10% for Social Sciences subjects studied at 10+2 level has been provided if the students sought admission in B.A. (Hons.) Social Sciences. The same weightage cannot be provided in B.A. LL.B. (Hons.) 5 years Integrated Course as the nomenclature of the degree is not B.A. (Hons.) Economics LL.B. (Hons.) 05 years integrated course or B.A. (Hons.) Social Sciences LL.B. (Hons.) 5 years Integrated Course. Hence, there is no comparison between the courses as alleged.

31. Although we strongly feel that there is a larger issue involved regarding the discrimination amongst the similar courses offered by the University, however, in the absence of challenge to such offending paragraphs of the Calendar and also considering the sensitivity of the stage of admissions, when the process of admissions has been delayed by more than one semester, we have no option but NOT to interfere in these petitions and address the larger issue of faulty University Calendar.

32. Seen from another angle, any change/ interference in even one of the course at this stage will per-force adversely affect the remaining courses as well, for which admission process is already over. Not only this, the affected candidates are also not before us and therefore they cannot be condemned unheard. Hence, interference at this stage will only result in chaos and uncertainty, which we are not inclined to create.

33. Even though it has been pointed out by the Counsel for petitioners that on account of the provisional list dated 19.10.2020, they had foregone taking admission in other colleges, however, we find that no matter how pressing the equity is in favor of petitioners, law must take its recourse in the present case. The unfortunate situation arising out of the resolution dated 2.9.2020 duly published by the University without statutory backing must have caused difficulties to the writ petitioners, however, except for relegating them to their respective legal remedies, we cannot come to their rescue and permit and illegality to be committed in the admission process.

DECISION

34. Thus, we find that the prayers made in these writ petitions are without any force and liable to be rejected as the University calendar as also prospectus provides grant of weightage to only one course i.e B.Com LLB (Hons) 5 year course and not to any other course. Consequently, no other course can be granted weightage and thus, the issue is accordingly decided in favour of the University.

RECOMMENDATION TO THE UNIVERSITY

35. Before parting with the judgment, we must add our anguish to the unfortunate anomalous situation created by the University, whereby for similar courses published under same prospectus, weightage is being granted to one stream of students and such weightage is not available to other streams. This anomaly is amplified now even more, in view of the fact that students are to be granted admission on the basis of their marks in +2 examination, on account of scrapping of written examination. Once, Rule 13 of Legal Education Part-IV of Bar Council of India Rules barred

splitting up of a 05 years integrated law course into a 03 year degree, there seems no plausible reasoning for permitting splitting up of B.Com/BA L.L.B 05 Years Integrated Courses and thereby inviting a judgment from this Court in Aditya Pratap Duggal's case which has led to present litigation. For ready reference, Rule 13 is reproduced as under:-

“ 13. *Prohibition against later entry and exit*

There shall be no lateral entry on the plea of graduation in any subject or exist by way of awarding a degree splitting the integrated double degree course, at any intermediary stage in integrated double degree course. However, a University may permit any person to audit any subject or number of subjects by attending classes regularly and taking the test for obtaining a Certificate of participation from the University/Faculty according to the rules prescribed by the University from time to time and given a certificate therefore. ”

The wording of the aforesaid rule is unambiguous and bars any such splitting of degree. Had the University mended its flaw as highlighted in **Aditya Pratap Duggal's case** and awarded Degrees in consonance with afore cited Rule 13 supra, the present situation would not have arisen; as also by removing the basis come out of the rigors of the binding nature of judgment in **Aditya Pratap Duggal's case**.

36. Hence, considering the overall facts and situation of the present case, we recommend the University to re-look into the entire issue regarding awarding of weightage from next session onwards. The dissatisfaction that the students have regarding the admission process every academic year has to be ironed out as it is not expected from the students, be it future Lawyers,

In view of the above, finding no merit, **present petitions are dismissed being without any merit.**

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

January 04, 2021
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No