

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

CWP No.20899 of 2020
Date of decision: 12.01.2021

Ayush
Vs.
Union of India and others

...Petitioner
...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Omkar Chauhan, Advocate,
for the petitioner.

Mr. Subhash Ahuja, Advocate,
for respondent Nos. 2 and 3.

Ritu Bahri, J. (oral)

Petitioner is seeking quashing of the letter dated 21.10.2020 (Annexure P-5), whereby his request for refund of the fee paid for entrance test for admission in LL.M Course, has been declined by the respondent-University.

While issuing notice of motion on 09.12.2020, it was observed that the petitioner had paid examination fee of Rs.2175/- for getting admission in LL.M course, which has now been postponed vide order dated 30.09.2020 and the entrance test has been scrapped.

After notice, reply on behalf of respondent Nos.2 and 3 has been filed. Stand taken by respondent Nos.2 and 3, in preliminary objections, is that as per prospectus (Annexure P-1), a specific note has been mentioned, which reads as under:-

“GENERAL RULES

5. In no case, the fee for the PU-CET (P.G.)-2020 once paid, shall be refunded/transferred/adjusted.”

Further, as per the prospectus, the University was competent to

change the mode of determination of merit other than entrance test also. The decision of the University to scrap all entrance tests for admission to all courses in the University, has already been upheld by a Division Bench of this Court vide judgment dated 04.11.2020 passed in **Chiraag Malli vs. Punjab University, Chandigarh and others**, CWP No.16962 of 2020 (Annexure R-2/1). In that case, the Division Bench was considering the procedure with regard to admissions to B.A./B.Com, LL.B. (5 years Integrated Course). The respondents have further relied upon another judgment passed by Division Bench of this Court in **Anirudh Sharma vs. Panjab University**, CWP No.18993 of 2020, decided on 10.11.2020 (Annexure R-2/2), which relates to the admission to LL.M. Course.

Learned counsel for the petitioner has argued that scrapping of the entrance examination is not being challenged by the petitioner, but his case is that fee paid by him for participating in the entrance examination for admission to LL.M. Course should be refunded to him in the given circumstances prevailing i.e. COVID-19.

Heard, learned counsel for the parties.

After going through the contents of the writ petition and the written statement, at the outset, reference can be made to the judgment passed in **Chiraag Malli's** case (supra). In this case, the Division Bench has examined, in detail, the issue with regard to the decision of the University to scrap the entrance examination. After going through the minutes of meeting and the rules framed by Bar Council of India, the Division bench held that there was no mandate for holding of an entrance test for admitting students to the courses leading to the conferment of degree in law. It was further held that due to the prevailing COVID-19 pandemic, being an exceptional,

unexpected and peculiar circumstance, the opinion formed by the Committee, constituted by the respondent-University, for scrapping the entrance examination does not call for any interference by the Court. Thereafter, a Division Bench of this Court in Anirudh Sharma's case (supra), has dismissed a petition, whereby direction was being sought to the University to take steps for conducting PU-CET (PG) entrance test for LL.M. or in the alternative return the examination fee charged from the petitioner (therein) for the purpose of conducting the examination. The said petition was dismissed keeping in view the judgment passed in Chiraag Mali's case (supra).

In view of the judgments passed in Chiraag Mali and Anirudh Sharma's cases (supra), no case for giving direction to the respondent-University to return the examination fee is made out. Moreover, it is clearly stated in the prospectus (Annexure P-1) as under:-

“PU-CET (PG) FEE (Non-Refundable)

General Category	: Rs.2175/-
SC/ST/PwD category	: Rs.1088/-
Additional Subject	: Rs.575/- per additional subject”

Further, as per **General Rules**, as reproduced above, in no case, the fee for the PU-CET (P.G.) 2020 once paid, shall be refunded/transferred/adjusted. Since power of the University to scrap the entrance examination has been upheld, no case is made out to give direction to the respondent-University to return/refund the fee paid by the petitioner for purchase of the application form.

No merits. Dismissed.

12.01.2021
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No