

(1992) 12 DEL CK 0007

In the Delhi High Court

Case No : Civil Writ Appeal No. 2562 of 1992

Dinesh Pal

APPELLANT

Vs

University of Delhi and Another

RESPONDENT

Date of Decision : 15-12-1992

Acts Referred:

Citation : (1993) 49 DLT 373

Hon'ble Judges : Mahinder Narain, J;Jaspal Singh, J

Bench : Division Bench

Advocate : R.K. Saini, Sanjeev Sindwani, V.P. Chaudhary and Sushma Sachdeva, for the Appellant;

Judgement

Mahinder Narain, J.

(1) The facts giving rise to this petition have been stated by brother Jaspal Singh, J. as also the contention raised by the parties .

(2) As stated by brother Jaspal Singh, what needs to be adjudicated upon is the eligibility condition of the necessity of securing 55% marks by a holder of bachelor degree from the Punjab University after studying for 14years to obtain the bachelor degree.

(3) I am unable to accept that one year additional study ought to lead to a discount of 5% in the bachelor degree examination marks, that a person who has spent 14 years to secure a bachelor degree should be penalised by necessity of having additional 5% marks.

(4) In my opinion, as I have held in the case of Jaishree Ravi v.University of Delhi, C.W.P. 2603/92 decided on 14/12/1992 it is not permissible to lay down the eligibility condition of 50% marks in bachelor degree examination as a condition precedent to taking the entrance examination, the prescription of 55% marks in bachelor degree examination asan eligibility condition suffers from the same infirmity, whether such condition is prescribed by the University of anybody

else. Such a condition is violative of Articles 14 and 21 of the Constitution as in my view all bachelor degree holders have to be treated alike, and their merit for their 1st year LL.B. Course determined on the basis solely of the marks obtained in the entrance test, and no condition of pre-requisite percentage of marks can be imposed for the post-graduate LL.B. Course.

(5) I would add that for the purpose of determining whether the constitutional rights are violated or not this Court is competent to judge the actions of the University and its committees. The object of the entrance test is selection on the basis of merit. Merit in that entrance test will entitle or disentitle a person, of a seat in this course.

(6) For the reasons stated by me in *Jaishree v. University of Delhi*, (supra) I would allow the writ petition with no orders as to costs.