
(2002) 07 GAU CK 0030

In the Gauhati High Court

Case No : Writ Petition (C) (PIL) No. 02 of 2002

Pranabasish Majumder

APPELLANT

Vs

State of Tripura and Others

RESPONDENT

Date of Decision : 11-07-2002

Acts Referred:

Citation : AIR 2003 Guw 4 : (2002) 2 GLT 520

Hon'ble Judges : P.K. Sarkar, J;B.B. Deb, J

Bench : Division Bench

**Advocate : A.K. Bhowmik, S.M. Chakraborty and A. Sengupta, for the Appellant;
U.B. Saha, T.D. Majumdar and A.S. Lodh, for the Respondent**

Judgement

P.K. Sarkar, J.—This writ petition has been filed as a Public Interest Litigation.

2. The petitioner is an Advocate of Tripura Bar Association and he is also associated with the legal education of the students of the State of Tripura. In the Tripura Government Law College at present admission is being done on the basis of marks. The petitioner alleges that in Tripura three Secondary Education Boards are conducting examination; (1) Tripura Secondary Education, (2) Central Board of Secondary Education and (3) Indian Certificate of School Education. It is stated by the petitioner that different Board earmarked different marks for different subjects and the standard of marks are also different in different Boards. Therefore the students of one Board even if obtained equal marks cannot be said that they are having equal merit. The petitioner, therefore, prays that an entrance examination should be conducted for admission in the Tripura Government Law College from the academic Session 2002-2003.

3. Mr. A.K. Bhowmik, the learned senior counsel assisted by Mr. S.M. Chakraborty, learned Advocate appearing on behalf of the petitioner submitted that in the case of The Central Board of Secondary Education Guardians' Committee represented by its Secretary Shri Nalini Kumar Sana, petitioner v. The State of Tripura and others, reported in (1988) 2 GLR 253 it has been held that

even though other method of admission particularly normalisation is reasonable and satisfactory still the entrance examination is the best method for judging the merit of students for admission in professional Degree Courses. Mr. Bhowmik submitted that the admission test should start from the academic Session 2002-03 so that the meritorious students can be admitted for prosecuting LL.B. Course in Tripura Govt. Law Collage.

4. Mr. T.D. Majumder, the learned counsel appearing on behalf of the State respondents submits that it is extremely difficult for the Government to introduce/conduct entrance examination from the academic Session 2002-2003 because of the following reasons :

(a) The University has already notified the last date of admission as on 31st August, 2002 ;

(b) For conducting entrance examination Board has to be constituted first of all. For this formalities have to be maintained and considerable time will be required for this purpose ;

(c) The Syllabus for entrance examination has to be framed by the experts and this will also take a considerable time ;

(d) For conducting entrance examination formal notification has to be issued at least three months time before the commencement of the examination. Considering the time constraint set up by the Tripura University authority, it will not be possible to introduce entrance examination for admission in the Government Law College during the academic Session 2002-2003.

(e) Further, in most of the Degree Colleges admission has already started.

5. Having regard to the aforesaid difficulties Mr. A.K. Bhowmik, the learned senior counsel appearing on behalf of the petitioner very fairly submitted that if it is impossible on the part of the Government to conduct the entrance examination from the academic Session 2002-2003 then this entrance examination must be conducted for admission from the Session 2003-2004. Mr. T.D. Majumder, the learned counsel appearing on behalf of the State-respondents submitted that there may not be any difficulty for the Government to hold the entrance examination for admission in the Government Law College from the academic Session 2003-2004. Mr, U.B. Saha, the learned senior counsel assisted by Mrs. A.S. Lodh, learned Advocate appearing for the Tripura University has also submitted on the same line that last date for admission has already been announced by the University and therefore, it may be difficult to conduct entrance examination.

6. We also appreciate the difficulties of the Government. There must be some way out for judging the merit of individual candidate for admission to Govt. Law College. It is an admitted fact that students of Tripura are appearing in the qualifying examination from three different Boards and the marks obtained by the students from these three Boards considerably differ. The matter has been

discussed in the aforesaid case laws decided by this court reported in (1988) 2 GLR 253. In para 12 of the aforesaid judgment a comparative statement of highest marks obtained by students of different Boards in the Higher Secondary Examination of 1987 has been indicated. The entire paragraph 12 is reproduced below :-

"12. The respondents have placed before us a comparative statement of percentage of marks obtained by the candidates who had stood first at Higher Secondary examination of the concerned boards for the year, 1987, which is as under :-

"Comparative statement of highest marks obtained by students of different Boards in the examinations (H.S.) of 1987.

TBSE ICSE CBSE

English 165/200 = 82.5% 95/100 = 95% 91/100=91%

Physics 183/200 = 91.5% 95/100 = 95% 100/100=100%

Chemistry 176/200 = 88% 95/100 = 95% 100/100=100%

Mathematics 188/200 = 94% 99/100 = 99% 100/100=100%

Biology 154/200 = 77% 95/100 = 95% 100/100=100%

The above statement shows that there is quite a difference in the marking system for example under Tripura Board marks are 200, whereas in others maximum marks are 100, and in evaluation of answers too there is difference which is not such as may be ignored whereas under Tripura Board the maximum marks obtained were 77%, 85.05%, 88%, 91.5% and 94%, under the Central Board for the same subject the marks obtained were 100%, 91%, 100%, 100% and 100%. It may thus be obvious that considerable difference in marks obtained by the first candidate in the said examinations existed. Besides, the respondents have submitted that some parts of the examinations in some subjects by the Central Board, there are objective types of questions in which by their very nature, the candidates sometimes obtained even cent per cent marks which is not the case in the examination held by the Tripura Board where the questions are descriptive type and consequently, the marks obtained could hardly ever be cent per cent."

7. We have also given our anxious view to the matter considering the interest of young students. The system of selection purely on the basis of marks obtained at the qualifying examination of the different Boards is not satisfactory. It is submitted by Mr. T.D. Majumder that at present a Selection Committee consisting of 5 (five) members are functioning and they are selecting the candidates for admission to first year LL.B. Course in Tripura Government Law College. It is also an admitted fact that admission to the first year of the LL.B. Court has not yet started. Therefore, we are of the view that certain standard should be adopted by the Selection Committee for selecting the candidates, so that the meritorious

students can be admitted in the Tripura Government Law College. Since it is not possible to hold entrance examination during the academic year 2002-2003 we are of the view that the Selection Committee should adopt the procedure of normalisation of marks of different Boards and thereafter assess the merit of each candidate and according to merit they may recommend the candidates for admission in the first year LL.B. Course for the present year. The Selection Committee may adopt a suitable method for normalisation of marks and they can follow the decision reported in (1988) 2 GLR (supra) how normalisation of marks are to be done. However, if there is any other better method the Selection Committee is at liberty to follow that procedure. It is made clear that on the basis of marks obtained by different candidates from different Boards should not be taken as a standard for admission in the Tripura Government Law College. The candidates should be selected only after normalisation of marks of three different Boards and then according to merit they should be admitted. The admission on merit will however, be subject to the eligibility prescribed by the Bar Council of India and also reservation of S.C./S.T. and other Backward Classes if prevailing in the State. This arrangement is purely for admission in the Tripura Government Law College for this academic Session, i.e., for the academic Session 2002-2003.

8. It is made clear that normalisation should be done for the candidates in respect of their qualifying examination only, i.e., H.S. + 2 Stage Examination. In order to inform the general public and the persons concerned the State Government shall take immediate action to explain the system of normalisation to be worked out in suitable means as may be considered practical.

9. The State Government is, therefore, directed to hold the Entrance Examination for admission to Government Law College from the academic Session 2003-2004 and from that Session the admission should be made on the basis of the results of the Entrance Examination subject to minimum marks prescribed by the Bar Council of India.

10. With the above directions and observations the petition is disposed of. We make no order as to costs.

The instructions submitted by Mr. T.D. Majumder, the learned counsel appearing on behalf of the State-respondents be returned after retaining photostat copy of the same in the case records.