

(2021) 01 SHI CK 0122
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 4935 Of 2020

Shivam Thakur

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 14, 21

Citation : (2021) 01 SHI CK 0122

Hon'ble Judges : Tarlok Singh Chauhan, J;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Neeraj Gupta, Ajeet Jaswal, Ashok Sharma, Vinod Thakur, Vikas Rathore, Shiv Pal Manhans, Seema Sharma, Bhupinder Thakur, Yudhvir Singh Thakur, Ashok Sharma, Neel Kamal Sharma

Final Decision : Disposed Of

Judgement

I,"Master of Sciences (M.Sc.) Botany, Zoology, Physics, Chemistry, Geography, Environment Science, M.Sc./M.A. Mathematics, M.A. (English, Physical Education, JMC, Social Work, Hindi, Translation, Sanskrit, Performing Arts, Economics, Sociology, Pub. Admn/Political Sc./Psychology/History/Visual Arts (Painting)/Yoga Studies/Rural Development)/M.Com. (MBA (RD), MFA (Pahari Miniature Painting), M.A. B.E., Bachelor of Law (LL.B), Master of Education (M.Ed.), M.P).Ed.

II,"Master of Tourism and Travel Management (MTTM)

and Five year's Integrated Course in tourism and Travel Management (FYICTTM) and Bachelor of Hotel Management (HHM).

III, MCA & M.Tech. (CS)â??

Preparatory Break, 01.03.2021 to 07.03.2021

Conduct of Examinations, 08.03.2021 to 26.03.2021

Semester Break, 27.03.2021 to 04.04.2021

Commencement of Classes for Even

Semester", 5.04.2021

Preparatory Break, 01.08.2021 to 08.08.2021

Conduct of Examinations, 09.08.2021 to 21.08.2021

Semester Break, 22.08.2021 to 29.08.2021

Commencement of Next Academic Session

for this batch", 30.08.2021

3. Contentions:-,

We have heard Mr. Neeraj Gupta, learned Senior Counsel assisted by Mr. Ajeet Jaswal, learned counsel for the petitioner and Mr. Ashok Sharma,"

learned Senior Counsel assisted by Mr. Neel Kamal Sharma, learned counsel for respondent No.2-University."

Learned Senior Counsel for the petitioner made submissions for quashing the entire admission process initiated and now completed by the respondent-

University for admissions to its entrance test based courses on the ground that the same was in violation of UGC Guidelines.,

Instead of admitting students on the strength of entrance tests in various entrance tests based courses, the University had admitted students only on",

the basis of their merit in the qualifying examinations. There was no justifiable reason for the University for not holding the entrance tests. The,

admissions so made by the University have jeopardized the legitimate rights of students.,

The explanation offered by the University in not holding entrance test for admission to various entrance test based Postgraduate courses for academic,

session 2020-21 is:-,

3(a). Taking note of COVID-19 pandemic, the UGC had constituted an expert committee in April, 2020 to safeguard the interest of academic",

fraternity in general and students in particular. Based on the reports of expert committee, the UGC had issued guidelines from time to time in this",

regard. Adhering to these guidelines, the respondent-University changed the schedule for admission, examinations as also the commencement of",

classes. The respondent-University has followed the guidelines issued by UGC and did not take any decision on its own. It is actually in terms of the,

UGC guidelines that the entrance tests for admission to LLB, B.Ed and HPU-MAT were conducted, whereas the entrance tests for remaining",

courses were not conducted to avoid mass gathering in any institution. This was for safeguarding the interests of students, faculties as well as",

employees. By admitting students to various postgraduate courses only on the basis of merit in the qualifying examination and without conducting,

entrance tests, the University has acted within the four corners of rules, regulations and guidelines.",

3(b). The respondent-University had been following guidelines of UGC issued from time to time. A Committee in this regard was constituted, which",

met several times. On 30.09.2020, third meeting of this committee was convened to examine and consider the UGC guidelines on examinations and",

academic calendar. The Committee took note of September, 2020 guidelines of UGC and decided as under:-",

â??i) The members of the committee after a detailed deliberation decided that in the peculiar condition due to â??COVID-19â?? as well as the new,

guidelines of the U.G.C. (to complete admissions before 30th October, 2020), the admissions in all the Post Graduate Courses for the Academic",

Session 2020-2021 are to be made on merit basis of qualifying examinations. In case of M.B.A. and M.T.A., the conducting of Group Discussion and",

Personal Interview as a part of admission, is not possible due to â??COVID-19â?? pandemic situation. Therefore, the admission in M.B.A. and",

M.T.A. will be based on the merit through Application Rating only, as given in the Prospectus. The Admission process of the courses shall be",

completed upto 30.10.2020 so that the classes could be started with effect from 2nd November 2020.,

In addition to above, the members of the committee also decided that the admissions in all the courses of M.Phil, LL.M. and M.Tech. shall also be",

made on merit basis of the qualifying examinations.,

ii) The committee also decided that the admission to B.Ed. Course in the Department of Education, H.P. University and the B.Ed Government/Private",

Colleges for the Academic Session 2020-2021, will be made on the basis of merit of Entrance Test, to be conducted by the H.P. University on 27-10-",

2020, as notified.",

The meeting ended with a vote of thanks to the Chair.â??,

The committee met again on 21.10.2020 and decided as under:-,

â??i) The matter came to the notice of the committee that Postgraduate examination for various courses has commenced from 15.09.2020 and it is,

still going on. Further in order to adhere the University Grants Commission guidelines to compensate the academic loss of the students, the academic",

session 2020-21 should commence from 01.11.2020. Keeping in view the present prevailing conditions due to COVID-19 pandemic it is not feasible to,

conduct all the entrance tests for admission to P.G. courses.,

ii) HPU-MAT entrance test is to be conducted in nine examination centres and in the larger interest of the candidates it is decided to conduct the,

entrance test so that the candidates need not to travel much. Further the committee after a detailed deliberation decided to conduct HPU-MAT,

entrance test for the session 2020-21 only in the examination centres located within Himachal Pradesh and examination centre which was created at,

Chandigarh for HPU-MAT should be shifted to Nalagarh, Himachal Pradesh. The committee is of opinion that the L.L.B. entrance test should also be",

conducted on the same day when HPU-MAT entrance is to be conducted. Only these two entrance test may be conducted to meet out the University,

Grants Commission guidelines.,

The meeting ended with a vote of thanks to the Chair.â??,

Keeping in view the entire situation due to COVID-19 pandemic, the committee after deliberations concluded that it would not be proper to hold",

entrance examinations for admission to all entrance based courses. Therefore, decision was taken only to conduct entrance examination of LLB,",

HPU-MAT and B.Ed. For admission to other entrance test based courses, merit of qualifying examination was made the criteria.",

3(c). During arguments, strenuous efforts were made on behalf of the University

beyond the domain of the UGC and does not relate to "coordination and determination of standards in institution of higher education",

(2) Whether the revised guidelines dated 06.07.2020 issued by the UGC are non-statutory, advisory only and contrary to earlier guidelines dated",

29.04.2020?,

(3) Whether the UGC guidelines dated 06.07.2020 are violative of Article 14 of the Constitution of India?,

(4) Whether the UGC guidelines dated 06.07.2020 are violative of Article 21 of the Constitution of India and the guidelines have been issued,

disregarding the pandemic COVID19?,

(5) Whether the guidelines of the UGC dated 06.07.2020 are liable to be set aside on the ground of noncompliance of Section 12 of UGC Act, 1956?",

(6) Whether the State and State's Disaster Management Authority in exercise of jurisdiction under Disaster Management Act, 2005 can take a",

decision not to hold examination by 30.09.2020 disregarding the direction in the UGC guidelines dated 06.07.2020?,

(7) Whether the State or State Disaster Management Authority, in exercise of jurisdiction under Act, 2005, can take a decision to award degrees to",

final year/final semester students by promoting them on the basis of criteria of assessment formulated by the State/Universities on the result of,

previous semesters/exams and internal assessment of final year/ terminal semester in disregard to the guidelines dated 06.07.2020 which require,

holding of examination of final year/terminal semester by 30.09.2020?â??,

In para 58, the Honâ??ble Supreme Court noted the contention that UGC has no legislative competence with regard to conduct of examinations.",

Revised guidelines were issued under the University Grants Commission Act referable to Entry 66 of List-I of 7th Schedule of the Constitution.,

Reliance in support of the contention was placed upon Modern Dental College and Research Centre and Ors. Vs. State of Madhya Pradesh and Ors.,",

(2016) 7 SCC 353. Para 58 of the judgment reads as under:-,

Â 58. The sheet anchor of the argument as stressed by Shri Arvind P. Datar is the Constitution Bench judgment of this Court in Modern Dental,

College and Research Centre and Ors. Vs. State of Madhya Pradesh and Ors., (2016) 7 SCC 35. 3Learned senior counsel has relied on observation",

of this Court in paragraph 101. Relevant observation made in paragraph 101 is

as follows:-,

¶101. To our mind, Entry 66 in List I is a specific Entry having a very specific and limited scope. It deals with co ordination and determination of",

standards in institution of higher education or research as well as scientific and technical institutions. The words "co ordination and determination of,

standards" would mean laying down the said standards. Thus, when it comes to prescribing the standards for such institutions of higher learning,"

exclusive domain is given to the Union. However, that would not include conducting of examination, etc. and admission of students to such institutions",

or prescribing the fee in these institutions of higher education, etc."..

Answering the contention, the Hon'ble Apex Court held in para 62 that the guidelines dated 06.07.2020 issued by the UGC were not beyond its",

domain and they relate to co-ordination and determination of standards in institutions of higher education:-,

¶62. The Constitution Bench in paragraph 101 has used the expression "not include conducting of examination etc." In the present case, there",

is no claim on behalf of the UGC that it is the UGC which shall conduct the examination of the graduate and postgraduate students. The examinations,

are to be conducted by the respective Universities only. The above observations made by Constitution Bench in paragraph 101 as relied by learned,

senior counsel for petitioner, cannot be treated to be laying down any preposition that University Grants Commission has no competence to lay down",

any standards with regard to examination. We, thus, are of the considered opinion that the Guidelines dated 06.07.2020 are not beyond the domain of",

the UGC and they relate to co-ordination and determination of standards in institutions of higher education.

While deciding issue No.2, it was held in para 67 that it is the statutory duty of the Universities to adopt the guidelines issued by UGC. UGC guidelines",

cannot be ignored by terming it as non-statutory or advisory. Para 67 reads as under:-,

¶67. The statutory Regulation, 2003 thus, categorically requires Universities to adopt the Guidelines issued by the UGC, hence, it is the statutory",

duty of the Universities to adopt the guidelines issued by the UGC. It is the statutory obligation of the Universities to adopt the Guidelines and the,

Guidelines cannot be ignored by terming it as non-statutory or advisory.

The final conclusion was drawn in para 110 of the judgment, which is as under:-",

(1) The Revised Guidelines dated 06.07.2020 issued by the UGC are not beyond the domain of the UGC and they relate to coordination and,

determination of standards in institutions of higher education.,

(2) The Guidelines dated 06.07.2020 are in continuation to the earlier Guidelines dated 29.04.2020 and are not contrary to the earlier Guidelines. We,

have to look into the substance of the Guidelines to find out the intention and object of the Guidelines. The Guidelines were issued with the object that,

a uniform academic calendar be followed by all the Universities and final/terminal examinations be held.,

(3) The Guidelines dated 06.07.2020 has to be treated to have been issued in exercise of the statutory powers vested in the Commission under Section,

12. As per the Statutory Regulations, 2003, it is the statutory duty of the Universities to adopt the Guidelines issued by the UGC. The Guidelines dated",

06.07.2020 cannot be ignored by terming it as non-statutory or advisory.,

(4) The differentiation made in the Revised Guidelines to hold final or terminal semester examination and to give option for earlier years/intermediate,

semester for not holding the examination has a rational basis. The differentiation has nexus with the object to be achieved. We, thus, reject the",

challenge to the revised Guidelines on the ground that there is any discrimination between the students of final year/ terminal semester and those of,

intermediate and first year.,

(5) The revised Guidelines also cannot be termed to violate Article 14 of the Constitution on the ground that one date, i.e., 30.09.2020 has been fixed",

irrespective of the conditions prevailing in individual States. The date for completion of examination was fixed throughout the country to maintain,

uniformity in the academic calendar.,

(6) The Revised Guidelines dated 06.07.2020 as well as Standard Operating Procedures for conduct of examinations circulated vide letter dated,

08.07.2020 of UGC as well as O.M. dated 06.07.2020 issued by MHRD clearly shows deep concern with the health of all stakeholders, i.e., students",

as well as the exam functionaries. Challenge to the Guidelines on the ground of it being violative of Article 21 is repelled.,

(7) The expression "other bodies" used in opening part of the Section 12 of the UGC Act, 1956 is in reference to other bodies apart from",

Universities as enumerated under Section 12. The submission that other bodies as occurring in Section 12 should include State Disaster Management,

Authority or health experts is misconceived. Section 12 never contemplated any such expression. The revised guidelines dated 06.07.2020 are not in,

breach of Section 12 of 1956 Act.,

(8) The Disaster Management Act, 2005 empowers the State Disaster Management Authority as well as the State Government to take measures for",

prevention and mitigation of a disaster and the action taken by the authorities under the Disaster Management Act have been given overriding effect,

to achieve the purpose and object of the Act, 2005. Saving of human life has been given paramount importance under the Act, 2005. Primacy have",

been given to the actions and measures taken under the Act, 2005 over anything inconsistent in any other law for the time being in force.",

(9) The direction of the University Grants Commission in Revised Guidelines dated 06.07.2020 insofar as it directs the Universities and Colleges to,

complete the final year/terminal year examination by 30.09.2020 shall be overridden by any contrary decision taken by the State Disaster Management,

Authority or the State Government exercising power under the Disaster Management Act, 2005.",

(10) The State Governments or State Disaster Management Authority in exercise of power under Disaster Management Act, 2005 has no jurisdiction",

to take a decision that the students of final year/terminal students should be promoted on the basis of earlier year assessment and internal assessment,",

which decision being contrary to UGC Guidelines dated 06.07.2020 has to give way to the UGC Guidelines. The UGC Guidelines dated 06.07.2020,

specifically directed to conduct the final year/terminal semester examination which shall override such contrary decision of the State Government or,

SDMA.â??,

It is not the case of respondent-University that the guidelines issued by UGC are not binding upon it. In fact, stand of the respondent-University is that",

UGC Guidelines are binding and have been adhered by it. Therefore, we need not delve on this issue any further.",

4(ii). UGC in August 2020, requested the expert committee constituted by it in April 2020, to revisit the earlier issued guidelines dated 29.04.2020 and",

06.07.2020. The expert committee deliberated over the issue of admissions and

academic calendar for the first year of Undergraduate and, Postgraduate programmes for session 2020-21. It submitted its report, which was considered by UGC in its emergent meeting held on 21.09.2020 and", based on the report of expert committee, approved the UGC guidelines on academic calendar for the first year of Undergraduate and Postgraduate", Students of the Universities for the Session 2020-21. September, 2020 UGC guidelines were in continuation of previously issued guidelines dated", 29.04.2020 and 06.07.2020. September, 2020 UGC guidelines (already extracted above) provided that institutions where admissions were solely to be", made through entrance tests and have completed the necessary requirements or are likely to complete these requirements in near future, may start", their academic session of first year at the earliest. In case of necessity, provisional admissions were also permitted. The relevant documents of", qualifying examination could be accepted upto 31.12.2020. The merit/entrance based admissions to the first year programmes for session 2020-21, were to be completed by 31.10.2020. The last date for admissions to fill up the remaining vacant seats was 30.11.2020. A calendar was also, suggested by the UGC for academic session 2020-21, wherein the admission process was to be completed by 31.10.2020 and the first semester/", year/batch was to commence on 01.11.2020. In case of delay in declaration of result of qualifying examinations, the Universities could plan and start", the academic session by 18.11.2020. The earlier issued guidelines on 29.04.2020 and 06.07.2020 highlighting the modes of teaching, conduct of", examinations etc. were to remain unchanged and were to be treated as mandatory in that respect.,

4(iii). September, 2020 UGC nowhere permitted or directed the respondent-University to do away with entrance examinations for its entrance based", campus courses. During arguments, it was contended on behalf of the University that following clauses of September 2020 UGC guidelines gave", discretion to the University to make admissions to campus courses either on the basis of entrance examinations or on the basis of merit:-,

â??1. Merit/entrance based admissions to the first year programmes for the session 2020-21 be completed by the end of October, 2020. The last date", for admissions to fill up the remaining vacant seats shall be 30.11.2020.,

8. In view of the present scenario and future uncertainties:,

(i) The universities may adopt and implement these Guidelines in a transparent manner by making alterations/additions/modifications/ amendments to, deal with particular situation(s) in the best interest of students, educational institution and the entire education system, except in respect of those", guidelines that are mandatory.â??,

A reading of the above clauses alongwith holistic reading of September 2020 UGC instructions in totality, makes it evident that the contention of the",

University is fallacious. Self-serving interpretation by the University in support of its untenable defence cannot advance its case. UGC guidelines were,

that admission to various campus courses irrespective of their mode of admissions, i.e. be it on merit basis or on entrance test based, were to be",

completed by 31.10.2020 for academic session 2020-21. It did not give any leverage to the University to do away with the entrance test based,

admissions to first year programmes wherever such entrance examinations were the basis for admissions.,

4(iv). It is next urged on behalf of the University that after issuance of September 2020 UGC guidelines, it was left with very short window before the",

commencement of academic session 2020-21. Therefore, the expert committee constituted by the University on 04.05.2020, decided on",

30.09.2020/21.10.2020 that but for the courses of LLB, HPU-MAT and B.Ed, it will not be possible to hold entrance tests for admission to other",

entrance tests based postgraduate campus courses.,

The constraint of time projected by the University for not holding the entrance tests is a lame excuse. It was in May, 2020, when admissions to various",

entrance test based courses were notified to be made through entrance tests. COVID-19 pandemic had already started spreading by that time. It was,

for the University to take adequate steps for timely conducting the entrance tests. Lockdowns imposed due to COVID-19 pandemic had been eased,

in September/October, 2020. Stand of the University that September 2020 UGC guidelines did not provide reasonable time to conduct entrance tests is",

not palatable. The notification for holding entrance test based admissions stood already issued in May, 2020. Had sincere efforts been made by the",

respondent-University, there was no way that the entrance tests for admissions to various Undergraduate/Postgraduate campus courses by the",

respondent-University could not be conducted. One cannot loose sight of the fact

that the entrance test for LLB, B.Ed and HPU-MAT were also",

conducted by the respondent-University after the issuance of September 2020 UGC guidelines. It defies the logic that the University could hold,

entrance test for admission to LLB, B.Ed and HPU-MAT, but it could not conduct the entrance examinations for admissions to various other entrance",

test based campus courses. Having already notified about conducting entrance examinations for Undergraduate/Postgraduate campus courses in May,"

2020, it was incumbent upon the University to put in more labour, strenuous efforts for holding entrance tests for admission to entrance test based",

courses. It was expected from the respondent-University to undertake extraordinary efforts to complete all requisite actions for holding entrance,

examinations within the timeline set in September 2020 UGC guidelines. Desperate situation, if felt by the respondent-University, required desperate",

measures from it.,

UGC guidelines in question came into existence in September, 2020 (21.09.2020). The committee constituted by the University on 04.05.2020 held its",

meeting eight days?? later on 30.09.2020 and immediately decided therein that due to COVID-19 pandemic and as per the new guidelines of UGC,"

directing the Universities to complete admissions before 30.10.2020, the admissions in all Postgraduate campus courses for academic session 2020-21",

are to be made only on merit basis of qualifying examinations. There was no such direction in September, 2020 UGC guidelines directing the",

Universities to make admissions in Postgraduate courses only on merit basis of qualifying examinations. As already observed, this was self-serving",

interpretation by the University. It is also surprising that within a week of issuance of September 2020 UGC Guidelines, the officers at the helm of",

affairs in H.P. University/Committee Members, on 30.09.2020 decided to do away with holding entrance tests for admission to entrance test based",

courses. The admissions were to be completed by 31.10.2020. There was ample time to hold the entrance tests. 21 days later, the committee held its",

another meeting, i.e. on 21.10.2020, reiterating that ??keeping in view the present prevailing conditions due to COVID-19 pandemic it is not possible",

to conduct all the entrance tests for admission to P.G. courses.? The committee though decided that the LLB entrance test should be conducted on,

the day when HPU - MAT entrance test was also scheduled. How the committee decided on its own to make admissions only on merit basis and to, do away with entrance tests without any application of mind is not discernible from the record. To a query from the Court, it was informed that at no", point of time, the respondent-University took UGC into confidence. No communication was exchanged with UGC in this regard by the University.", Even assuming for argument sake that the University found it difficult to conduct all the entrance tests for admission to various entrance test based, campus courses within the stipulated timeline, then also it is shocking that its officials at the helm of affairs did not think it proper to bring such", difficulties to the notice of UGC and to request for extension of time for commencement of the academic calendar. Though we have held earlier that, present is a case where without making any effort at all to conduct entrance tests within the stipulated timeline for admission to entrance tests based, courses, the University decided to do away with holding of entrance tests and went for making admissions on the merit of qualifying examinations.",

4(v). Another argument was put forth on behalf of the respondent-University that its Executive Council had decided in 1990s to make admissions on, entrance based examinations for various Undergraduate/Postgraduate campus courses and further that no such decision was taken by the Executive, Council for academic session 2020-21. Therefore, also it was not mandatory for the respondent-University to admit students on the basis of entrance", test based examinations to various entrance test based campus courses. We are afraid this argument has no legs to stand upon. A general decision, once taken by the Executive Council of the respondent-University, in the facts and circumstances of the case, will continue to govern the subject till", the time it is specifically rescinded. It is the admitted case of the respondent-University that for every academic session in past, it had been holding", entrance tests and admitting students on that basis to its UG/PG courses. Even for the current academic session 2020-21, the University had notified", in May, 2020 about conduct of entrance tests for admission to various Undergraduate/ Postgraduate courses. Conduct of entrance examination is a", mandatory requirement to be complied with by the respondent-University. There was no direction of the UGC for doing away with the holding of, entrance tests for admission to Undergraduate/Postgraduate campus courses. Such mandatory requirements even otherwise could not have been,

breached by the respondent-University. All the UGC had observed in its September, 2020 guidelines was that irrespective of mode of admissions to",
first year programme for session 2020-21, be it on merit basis or on entrance test basis, the same was to be completed by 31.10.2020. The officials at",
the helm of affairs/the committee constituted by the University misinterpreted the clear and unambiguous language of September 2020 guidelines of,
the UGC.,

4(vi). We can take judicial note of the fact that based upon the past practice adopted by the University for years together, based upon the entrance",
test examinations conducted by the respondent-University every year for admission to its various entrance tests based Undergraduate/Postgraduate,
campus courses, the students desiring to take admissions in such courses always focus on meticulous preparation for appearing in these entrance",
examinations. It is their legitimate expectation that entrance tests for such courses will be conducted by the University. By deciding to make,
admissions only on the basis of their merit of qualifying examinations, the valuable rights of the students based on legitimate expectations have also",
been infringed.,

The action of the respondent-University is otherwise arbitrary as on one hand, it had conducted the entrance tests for admission to LLB, B.Ed and",
HPU-MAT, whereas on the other, refused to conduct entrance tests for other courses.",

4(vii). The conclusions of the above discussion are that:-,

4(vii)(a). Respondent No.2-University had been making admissions to various Undergraduate/Postgraduate campus courses on the basis of results of,
entrance examinations.,

4(vii)(b). The decision of the Executive Council of the respondent-University admittedly taken in 1990s to make admissions in various,
Undergraduate/Postgraduate campus courses on the basis of entrance examinations has not been rescinded till date.,

4(vii)(c). It was on 01.05.2020 that the respondent-University had notified for conducting the entrance tests for admission to its entrance test based,
courses for academic session 2020-21.,

4(vii)(d). Guidelines issued by UGC dated 29.04.2020, 06.07.2020 and September, 2020 have binding force and are applicable on the respondent-",

University.,

4(vii)(e). September, 2020 guidelines of UGC had notified the academic calendar for first year students for the session 2020-21, whereby the",

admission process, irrespective of the fact whether it was based on merit or on entrance based examinations, was to be completed by 31.10.2020.",

UGC did not issue any guideline for not holding the entrance tests for admission to entrance test based campus courses. Mandatory guidelines were,

mandatorily required to be followed.,

4(vii)(f). Respondent No.2-University made no efforts at all to hold entrance tests for admission to various entrance tests based campus courses even,

though it had sufficient window to do that within the provided timeline. The difficulty, if any, in holding the entrance tests within the timeline stipulated",

in September 2020 UGC Guidelines, was never brought to the notice of UGC. No extension in stipulated timeline was prayed for. The action of the",

respondent-University to hold entrance examinations only for admission to LLB, B.Ed and HPU - MAT and not holding the same for other campus",

courses is arbitrary. It has infringed the valuable rights of the students.,

5. Having observed above, we have been informed that on the basis of their merit in the qualifying examinations, the students have already been",

admitted in Undergraduate/Postgraduate campus courses and academic session 2020-21 has already commenced. Even though we have held the,

action of respondent No.2-University in not making admission to its entrance tests based campus courses on the basis of entrance examination as an,

arbitrary and illegal act, yet, considering the interest of students at large, who have already been admitted and taking classes for past about two",

months now in these courses are not even parties before us, we refrain from quashing their admissions.",

In the facts and circumstances of the case, we direct the respondent-University to place the entire matter before its Executive Council within a week",

from today. Within three weeks thereafter, the Executive Council shall take appropriate decision on all related aspects of the case, be it for taking",

action against erring officials, with respect to admission of students, guidelines for future to meet such like eventualities etc. Based upon such decision,",

consequent action shall be drawn by the University. We also direct the respondent-University to bring the above aspects to the notice of University,

Grants Commission within one week.,

With these observations, the writ petition stands disposed of, so also the pending miscellaneous application(s), if any.",