

(2001) 09 RAJ CK 0014

In the Rajasthan High Court

Case No : Civil Special Appeal No. 110 of 2001

State of Rajasthan

APPELLANT

Vs

Bhupendra Singh

RESPONDENT

Date of Decision : 07-09-2001

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : AIR 2002 Raj 224 : (2003) 3 RLW 1724 : (2002) 1 WLC 606 : (2002) 4 WLN 307

Hon'ble Judges : O.P. Bishnoi, J;N.N. Mathur, J

Bench : Division Bench

Advocate : M.R. Singhvi, for the Appellant; Vijay Agarwal and G.J. Gupta, for the Respondent

Final Decision : Dismissed

Judgement

Mathur, J.—We have heard Mr. M. R. Singh, learned counsel for the appellant and Mr. Vijay Agarwal for the respondent.

2. The learned single Judge by the impugned order dated 4-12-2000 has allowed the writ petition and directed the State and Guru Nanak Khalsa College, Sriganganagar, to remove the discrimination in minimum percentage prescribed for admission in the LL.B. First Year. A further direction has been given to grant admission to the writ petitioner Bhupendra Singh.

3. The writ petitioner Bhupendra Singh after obtaining B.Com. Degree from the University of Punjab with 45% marks in aggregate applied for admission to LL.B. First Year in Guru Nanak Khalsa College. Sriganganagar. The said college is affiliated with Maharshi Dayanand Saraswati University, AJmer. The say of the writ petitioner is that the College has refused to consider his case for admission in LL.B. First Year on the ground that as per the policy for admission, he has not secured minimum 60% marks being a graduate from the University outside the State of Rajasthan and having secured less than 60% marks. It was contended

on behalf of the petitioner that the provision providing 60% marks for the graduates from a University outside the State of Rajasthan and 45% marks for the graduates from the University within the State of Rajasthan, is violative of Articles 14, 15 and 21 of the Constitution, inasmuch as it makes an unreasonable classification resulting into a hostile discrimination on the basis of region.

4. Defending the administrative policy, it was submitted that the minimum percentage for admission of outside students is with a view to improve the standard of legal education. The learned single Judge held that the object of raising standard in the legal education cannot be achieved by providing two different standards. The learned single Judge found that the provision requiring different percentage i.e. 45% from the graduates of the Universities within the State of Rajasthan and 60% from the graduates of the Universities outside the State of Rajasthan, is *ex facie* arbitrary and violative of Article 14 of the Constitution of India.

5. It is contended by Mr. M. R. Singhvi, learned counsel for the appellants, that students coming from outside the State and students hailing from the same State constitute two distinct classes and if they are given separate treatment, then it cannot be said that the same is violative of Article 14 of the Constitution of India. Learned counsel, in support of his contention, has placed reliance on a decision of the Apex Court in *Sanjay Ahlawat Vs. M.D. University and Others*,

6. We have considered the rival contentions. The Maharishi Dayanand University, to which the respondent-College is affiliated, has provided the rules for admission to a three year degree of LL.B. Course under Ordinance 251-A and Ordinance 252(1). which read as follows :

"Order 251A. There shall be a Three Years Course for the degree of LL.B. (P) and Two Years Course for the degree of LL.B. (A) and examinations shall be conducted through tutorial and class performance during the session and written paper at the end of each year namely:

1. LL.B. (P)/LL.B.(A) First Year Examination at the end of the First Year.
2. LL.B.(P)/LL.B.(A) Second Year Examination at the end of the second Year.
3. LL.B.(P) Third Year Examination at the end of the Third Year.

O. 252 (1) A candidate who has taken Bachelor's or the Master's degree in Arts/ Science/Commerce/Medicine/Engineering/ Nursing/Agriculture course, the Degree of Shastri/Acharya or the degree of Ayurvedacharya/Ayurveda Brahaspati of this University or of any other University recognised for the purpose by the syndicate with full course prescribed for the degree and secured a minimum of 45% (excluding any concessional marks) In the aggregate marks prescribed for the Examination for the aforesaid Degree shall be eligible for admission to LL.B. First Year Course."

7. It appears that the Director, College Education, Rajasthan has laid down the

policy for admission to LL.B. Course under para 3.1, which reads as follows :

(Vernacular matter omitted)

8. In order to protect the classification that it is not arbitrary, it is required to be established that the classification made has a reasonable nexus with the object to be achieved. In the Instant case, the object to be achieved by the State is in raising standard of legal education of State of Rajasthan, We fail to understand as to how the said object can be achieved by raising minimum standard of marks only for the students of a University outside the State of Rajasthan. As far as the percentage of marks for the students of Universities within the State of Rajasthan is concerned, it remains at the level of 45%.

9. In Sanjay Ahlawat's case (AIR 1995 SCW 228) cited by the learned counsel for the appellants, the local boys graduating from Medical College outside the Haryana, were allotted five additional marks and the graduates of Medical College. Rohtak were allotted ten additional marks in the selection test. The preference was given to the candidates based on domicile in Haryana for admission only in Haryana. It was contended that the effect of the said rule was to shut down the doors of admission to the outstation boys. In the case, the respondents explained that the extra marks were awarded to the local graduates for the purpose of ensuring that the medical facilities in the State are not impaired in any way because of dearth of doctors. It was expected that the residents of Haryana after obtaining medical degree will remain in Haryana and their services will be available to the people of the State. Having regard to the object, in the opinion of the Court, the discrimination could not be regarded as arbitrary and discriminatory. In the instant case, there is no reasonable relation of the object sought to be achieved with the policy as contained in para 3.1 and, as such, the offending rule is not sustainable on the ground of infraction of Article 14 of the Constitution. We are in complete agreement with the view of the learned single Judge. We have no hesitation in holding that the decision of the State Government under para 3.1 is manifestly wrong and unfair. The learned single Judge rightly struck down the Impugned policy-decision of the State Government providing two different standards for admission to LL.B. Course.

10. Consequently, we find no merit in this appeal and the same is hereby dismissed.