

Ishika Patnaik.....Petitioner

Vs.

**National Law University of Odisha
and OthersOpp. parties**

2. 20.10.2020

In view of extraordinary situation arose out of COVID-19 lockdown, the matter is taken up through video conferencing.

2. Heard Mr. B. Routray, learned Senior Counsel for the petitioner and Mr. Prafulla Ku. Rath, learned counsel for opp. party Nos.1 and 2.

3. By way of this Writ Petition, the petitioner has challenged the inaction of opposite party No.1 in not considering the application of the petitioner for admission into 5 years BALLB (Hons.) Course under NRIS (Non-Resident Indian Sponsored) category for the academic year commencing 2020.

4. The grievance of the petitioner is that she applied for the entrance examination CLAT (Common Law Admission Test) conducted by opp. party No.1. The petitioner wanted to apply under the NRI Sponsored quota category and accordingly applied through online form. Due to COVID outbreak at the residence place of the petitioner,

she was unable to click/select the option for “NRI/NRIS Category” and selected the option for “General Category”. The petitioner logged the website on 15.8.2020 to make modification but the portal took a long time to open and she failed to upload and confirm the changes.

5. CLAT 2020 Notification allowed all candidates to fill-up online form for seeking admission into the BALLB and BALLB 5-year integrated law under different NLUs and the last date to amend and modify the Application Form online was 15.08.2020 mid night. It was also put as instructions that the information once furnished by the candidates with regard to the category to which the candidates belong, the preference for NLU and the center of the Entrance Test submitted by the candidates through online application mode shall be final and no change shall be allowed under any circumstances.

6. Learned counsel for the petitioner further submitted that the petitioner tried to modify her category from “General” to “NRI/NRIS” category but could not do so due to technical error in the CLAT website. It is also submitted that in the meantime, CLAT Exam was held and the petitioner appeared in the exam. The merit list has been published by the

opp. party and the petitioner's name was not found in the merit list where the candidates with lower rank than that of the petitioner were in the merit list as against NRI/NRIS category. Having not found her name in the merit list of the NRI/ NRIS category, the petitioner wrote request letter to VC, National Law University Odisha who forwarded it to the opp. party no. 2-Consortium of National Law Universities but she got disappointed as her request was not considered.

7. From the perusal of records and submissions of Ld. Counsel of the OP. party No.1, it reveals that the petitioner herein has not applied under NRI/NRIS category for the CLAT 2020 Application in spite of several extensions granted to the students by the CLAT Consortium. The present petitioner sent mail to the Vice-Chancellor of National Law University, Odisha and Consortium of NLU on 17.08.2020 indicating that due to some technical glitch, she was not able to tick under NRI/NRIs category. There is always possibility of server down, internet glitch etc. and therefore, it has been advised by the CLAT conducting authority that candidates must apply well before the last date

because there tend to be heavy rush on the use of internet on the last date.

8. The Op. Party No.1 is bound by the CLAT Rules and Notification. If the petitioner fails to figure in the CLAT 2020 NRI/NRIS category, the Op. Party No.1 cannot change the category of the candidate. Since the petitioner has not applied under NRI/NRIs category in the CLAT 2020 Application, due to the said fact the OP No.1 had to reject the candidate's application. Based on the applications received, merit list was prepared and uploaded on the web-site along with the wait listed candidates. The entire process has absolutely been done in a transparent manner and strictly based on merit. Changing the category, at this juncture when the admissions are over, would disturb the entire process and jeopardize the interest of so many students. All the deadline and schedules of counseling were prepared following the direction of the Supreme Court that the admission must be finished by 15.08.2020.

9. Mr. Prafulla Kumar Rath, learned counsel for the opp. parties further submitted that there are 21 seats under the "FN/NRI/NRIS category". As per the merit list published, the opp. party no.1 has already selected 21 candidates. So, it is not

possible on the part of opp. party nos.1& 2 to consider the candidature of the petitioner any further as she has not applied under “NRI/NRIS Category”.

10. Considering the submission of the learned counsel for the parties, this Court dispose of the writ petition with an observation that since all the seats under “NRI/NRIS category” has already been filled up by the opp. Party No. 1 and no further seats are available, we are not inclined to entertain the Writ Petition.

11. Before parting with this case, we are constrained to observe that the NRIS category is an affront to the meritorious candidates who toiled day night to secure seats in NLUs through CLAT. The candidates belonging to the category of NRI/NRIS, who are very low ranked in the merit list often gets seat in the NLUs whereas the general candidates having secured better marks also lag behind the NRIS students and get disappointed. This is like the reservation for the elite class and this dubious category of quota is unconstitutional. The eligibility and selection under this category are unregulated, illegal and arbitrary. Even the apex court has observed in *P. A. Inamdar vs. State of Maharashtra* that admissions under this category is given to less

meritorious students just because they could afford to pay the higher fees demanded by the University. The Consortium of NLUs, the Bar Council of India and all the stake holders involved in the process should revisit the so-called NRIS quota and prepare a proper regulation and system while implementing this quota. Several studies reveal that the selection process under this NRIS quota is quite vague, undefined and is based on inconsistent parameters. This Court calls upon the relevant stake holders especially the Bar Council of India, which is mandated to regulate the legal education in this country to ensure that a uniform and well-defined parameter are adopted so that the meritorious candidates do not suffer. The elitist approach to selected group in CLAT Admission process must be restricted. It is imperative that this issue needs to be settled within a shortest possible time to assuage the pains of the unselected due to poor rank.

12. Accordingly, the Writ Petition is dismissed.

13. Free copies of the Order be sent to the Chairman, Bar Council of India, Convener, Consortium of NLUs.

14. As the Lock-down period is continuing for COVID-19, learned counsel for the petitioner may

utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No. 4587 dated 25.03.2020.

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S. Panda, J.

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S. K. Panigrahi, J.

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