

Court No. 24

14.09.2020

(SL 40)

(S. Banerjee/SB)

WPA 6690 of 2020
(Old No. WP 6690(W) of 2020)

CAN 1 of 2020
(Old No. CAN 5580 of 2020)

Utkarsh Bansal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Rohit Das, learned Advocate
Ms. Fauzia Shakil, learned Advocate
Mr. Indradip Das, learned Advocate
Mr. Aniruddha Bhattacharya, learned Advocate
Ms. Kishwar Rahman, learned Advocate

... for the petitioners

Mr. Soumya Majumder, learned Advocate
Mr. Victor Chatterjee, learned Sr. Advocate

... for the respondent no. 2

CAN 1 of 2020 (Old No. CAN 5580 of 2020) is disposed of by taking up the writ petition for consideration.

Vires of Section 4A(3) of the West Bengal National University of Juridical Sciences Act, 1999 is under challenge in the present writ petition.

Learned advocate appearing for the petitioners submits that the petitioners aspire to have themselves admitted at the National University of Juridical Sciences, Kolkata (NUJS) through the Common Law Admission Test, 2020. By reason of the incorporation of 30 per cent of state domicile quota as introduced by a notification issued under Section 4A(3) of the 1999 Act, the chance of the petitioners to obtain admission at the NUJS, Kolkata stands diminished. Consequently, the petitioners are prejudiced. He submits that, the impugned decision of the authorities to introduce 30

per cent state domicile quota is bad in law. The notification for state domicile quota is beyond Section 4A(3) of the 1999 Act.

NUJS authorities are represented.

By the impugned section and notification, 30 per cent state domicile quota was introduced in the admission procedure to the NUJS, Kolkata. The results of CLAT 2020 are yet to be published.

At this stage, it cannot be said with certainty that the petitioners come within the zone of consideration for admission to NUJS, Kolkata assuming that the 30 per cent state domicile quota is not there.

Learned advocate for the petitioners seeks an interim order. He seeks a direction that the authorities be directed not to publish the merit list so far as NUJS is concerned.

In the facts of the present case, I do not find balance of convenience and inconvenience to be in favour of granting any interim order as prayed for by the writ petitioners. Such an order would affect persons who are not parties to this writ petition. It may so happen that the petitioners may not have the requisite rank in the CLAT 2020 for admission to NUJS, Kolkata.

Let affidavit-in-opposition be filed within four weeks from date. Reply thereto, if any, within two weeks thereafter.

(Debangsu Basak, J.)