* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment reserved on : 27.05.2025
Judgment pronounced on : 06.06.2025

\+ W.P.(C) 2364/2025
ANAM KHAN .....Petitioner

Through: Mr. Siddharth R. Gupta, (Nodal Counsel CLAT PG) with Mr. Aman Agarwal, Mr. Shrvan Lahoti, Mr. Uddaish Palya, Mr. Mrigank Prabhakar, & Mr. Siddhartha Sahu, Advocates.

versus

CONSORTIUM OF NATIONAL LAW UNIVERSITIES .....Respondent

Through: Mr. Arun Sri Kumar, Mr. Shubhansh Thakur and Ms. Saumya Sinha, Advocates.

(246)

\+ W.P.(C) 2558/2025
NITIKA .....Petitioner

Through: Ms. Kaadambari Singh, Senior Advocate with Ms. Muskaan Chawla, Ms. Tanya Singh Kaurav, Mr. Navin Thakur and Mr. Ashish Manral, Advocates.

versus

CONSORTIUM OF NATIONAL LAW UNIVERSITIES .....Respondent

Through: Mr. Arun Sri Kumar, Mr. Shubhansh Thakur and Ms. Saumya Sinha, Advocates.

(247)

\+ W.P.(C) 2560/2025
AYUSH AGRAWAL `.....Petitioner

Through: Mr. Siddharth R. Gupta, (Nodal Counsel CLAT PG) with Mr. Aman Agarwal, Mr. Shrvan Lahoti, Mr. Uddaish Palya, Mr. Mrigank Prabhakar, & Mr. Siddhartha Sahu,

Advocates.

versus

CONSOTIUM OF NATIONAL LAW UNIVERSITIES....Respondent

Through: Mr. Arun Sri Kumar, Mr. Shubhansh Thakur and Ms. Saumya Sinha, Advocates.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J.

1. Present batch of writ petitions have been filed under Article 226 of the Constitution of India, 1950, seeking direction to the respondent/Consortium of National Law Universities (hereinafter referred to as *"Consortium"*) to rectify the errors in the final answer key of the Common Law Admission Test, PG (hereinafter referred to as *"CLAT PG"*) for the year 2024-25, and to re-issue the results after the necessary corrections. The petitioners further seek direction to the Consortium to re-consider the excessive fee of Rs. 1,000/- per question for raising the objection to the provisional answer key of the CLAT PG examination.

2. The petitioners have challenged certain questions which were part of the CLAT PG for the year 2024-25. At the outset it may be noted that the petitioners had not submitted objections to these questions, which are subject matter of the writ petitions, before the competent authority i.e. 'examination conducting authority' during the window period which was open for lodging of such objections. The petitioners have submitted that on account of excessive fee to the extent of Rs.1000/- per question which is sought to be objected to, the excessive fee was subject matter of a challenge

by way of a writ petition under Article 32 of the Constitution of India, 1950 before the Supreme Court in W.P.(C).No. 812/2024 titled *"Anam Khan & Anr. vs. Consortium of National Law Universities"*. They contend that since the challenge itself was made to the fee on the ground of it being highly disproportionate and excessive, the petitioners herein were unable to lodge their objection with the competent authority within the window period.

3. In view of the aforesaid submissions, we deem it appropriate to proceed with examining the issues on **(i)** the decision on the questions objected to; and **(ii)** the issue as to whether the fee of Rs.1000/- per question objected to, is excessive.

4. So far as issue no. **(i)** is concerned, we would prefer to traverse the same as per the questions objected to, which would make the consideration more convenient and precise. For the purpose of convenience and oneness, we propose to consider each question, numbered according to the Master Booklet rather than the individual Question Sets as attempted by each petitioner. Thus, according to the Master Booklet, the questions objected to by the petitioners are Question Nos.11, 21, 52, 56, 57, 89, 90 and 98. It has been brought to the notice of this Court that *vide* the special meeting of the Executive Committee of the Consortium held on 04.04.2025, Question Nos. 52, 89, 90 and 11 of the Master Booklet have already been resolved, and therefore need not detain us. In fact, the learned counsel for the petitioners restricted their submissions in respect of Question Nos. 21, 56, 57 and 98.

5. At the outset it may be noted that the learned counsel for the Consortium submitted that so far as Question No. 56 of the Master Booklet

is concerned, owing to a discrepancy between the four options in the Master Booklet (which was the subject of Expert Committee Review) and the options contained in the Question Paper Sets attempted by the candidates in print, the said Question No.56 has been withdrawn. Resultantly, according to him, the Question No.56 shall not be reckoned for the purposes of evaluation of Answer Sheets of any candidate across all four Sets. This direction would also be in conformity to the directions contained in para 55 of the judgement of the Hon'ble Supreme Court in ***Siddhi Sandeep Ladda vs. Consortium of National Law Universities and Anr;*** Civil Appeal No.006907/2025 where similar challenges to questions were raised in respect of CLAT UG Examination. Paragraph 55 of the ***Siddhi Sandeep Ladda*** *(supra)* reads thus:

> *"55. Shri Rao, learned Senior Counsel for Respondent No.1 submits that the finding of the Division Bench of the High Court is correct but the consequential direction is not appropriate. It is further fairly submitted that Respondent No.1 is willing to withdraw the question across all four sets so as to ensure that all candidates are scored out of the same total number of questions."*

<u>In Re Question No. 21 of the Master Booklet</u>

6. Question No.21 is relatable to passage (V) which is stated to be an extract from the judgment of the Hon'ble Supreme Court in ***Bangalore Water Supply and Sewerage Board vs. A. Rajappa and Ors., 1978 (2) SCC 213.*** For convenience, the passage and Question No.21 is extracted hereunder:-

> *"V. The landmark judgment of Bangalore Water Supply and Sewerage Board v. A. Rajappa & Others, delivered by the Supreme Court of India in 1978, significantly influenced the interpretation of the term 'industry' under the Industrial Disputes Act, 1947. The case cantered on whether the Bangalore Water Supply and Sewerage Board, a statutory body, could be classified as an industry under the Act, thereby making its employees eligible for certain protections and benefits. Prior to this case,*

the definition of 'industry' had been subject to varied interpretations, leading to confusion and inconsistency in its application. The Industrial Disputes Act, 1947, broadly defined 'industry' to include any business, trade, undertaking, manufacture, or calling of employers and any calling, service, employment, handicraft, or industrial occupation or avocation of workmen. However, this expansive definition left room for ambiguity, especially concerning statutory bodies and non-profit organizations. In this case, the Bangalore Water Supply and Sewerage Board argued that it was not an industry, emphasizing its statutory duties and public welfare objectives. The Board contended that its primary purpose was to provide essential services, not to engage in profit-making activities typical of private enterprises. On the other hand, the respondents, including A. Rajappa, argued that the Board's activities fell within the scope of an industry as defined by the Act, and thus, its employees should be entitled to the benefits and protections accorded to workers in industries. The Supreme Court, in its judgment, undertook a comprehensive analysis of the term 'industry.' The bench, led by Chief Justice M. Hameedullah Beg, laid down a broad and inclusive definition of 'industry'. The Court asserted that what mattered was the nature of the activity and the relationship between the employer and the employees. This interpretation aimed to ensure that a wide range of workers, including those employed in public utility services, statutory bodies, and even some non-profit organizations, would be covered under the protective umbrella of the Industrial Disputes Act. The decision in Bangalore Water Supply v. A. Rajappa & Others had far-reaching implications. It extended the scope of labour protections to a broader spectrum of workers, ensuring that more employees could benefit from the dispute resolution mechanisms and other safeguards provided under the Industrial Disputes Act. This judgment underscored the judiciary's role in interpreting labour laws to promote social justice and protect workers' rights in a rapidly industrializing nation.

(Extract from Bangalore Water Supply v. A. Rajappa & Others, 1978 2 SCC)

Q.21. According to the Supreme Court's judgment, what is the most important factor in determining whether an activity constitutes an industry?

(A) The profit-making motive of the employer.

(B) When there are multiple activities carried on by an establishment, its dominant function has to be considered. If the dominant function is not** commercial**, benefits of a workman of an industry under Industrial Dispute Act may be given.

(C) The nature of the activity and the authority of the employer over its employees.

(D) When there are multiple activities carried on by an establishment, all

the activities must be considered. Even if one activity is commercial, the employees will not get the benefit of workman of an industry under the Industrial Dispute Act."

As per the Consortium, the correct answer in respect of the aforesaid Question is option 'B' whereas the petitioners contended that option 'C' is the correct answer. Learned counsel for the parties had copiously referred to various paragraphs of the judgment in ***Bangalore Water Supply*** *(supra)* to support their contentions. According to learned counsel for the petitioners, Question No.21 was concerning the most important factor to determine whether an activity constitutes "an industry" and the Consortium contended that option 'B' as noted above, is the correct answer which indicates that it is a 'dominant function' of an establishment.

Whereas, learned counsel for the petitioners forcefully contended that option 'C', i.e., which indicates the nature of activity and the authority of the employer over its employees is the determinative factor as to whether an establishment would fall within the definition of 'an industry".

7. We have seen the justification provided by the Subject Experts, who on review of the material before them, had opined that there is no scope to interfere with the answer indicated by the question paper setter. The subject experts rely on para 143 of the Supreme Court judgment in ***Bangalore Water Supply*** *(supra)* to construe that it lays down the 'dominant function' test. Thus, according to the Subject Experts, irrespective of the nature of activity of an individual employee, the 'dominant function' of the industry is the most important factor for determining what constitutes "an industry". Learned counsel for the Consortium thus submits that the nature of activity or the authority of the employer over its employees is subservient to the 'dominant functions' of the overall undertaking in which he works. Thus,

option 'B' is the correct answer.

8. Concededly, the passage (V) is not an actual extract from the judgment in ***Bangalore Water Supply*** *(supra)* but appears to be from a Commentary or from a Digest. The passage clearly uses the sentence "*The Court asserted that what mattered was the nature of the activity and the relationship between the employer and the employees*". This on the face of it appears to be a conclusion or an opinion of the Court. Other than that, the passage does not refer to "Dominant Function Test". Infact, the Subject Expert Committee appears to have misdirected itself by referring to para 143 of the said judgment to conclude that option 'B' is the correct answer. Though, in an overall perspective, the Supreme Court in ***Bangalore Water Supply*** *(supra)* may have laid down general tests to determine whether an establishment is "an industry" by determining what is called "Dominant Function Test", yet the passage is bereft of any such reference. It is not disputed that the candidates who had appeared in the examination were not previously provided with any list of judgments that they were to be ready with. That apart, it is not disputed that the passage (V) is not an extract from the judgment. In that view of the matter, it would be unreasonable to expect the candidates to look for any answer beyond what is provided in the passage itself. Thus, we are of the considered opinion that the answer in option 'B' is incorrect and option 'C' is the correct answer. Resultantly, the Consortium shall accord marks to the candidates accordingly.

<u>In Re Question No. 57 of the Master Booklet</u>

9. This Question is in relation to passage (XII) which is stated to be an extract from the judgment of the Supreme Court in ***Union of India vs. Mohit Minerals (P) Ltd.***, reported in ***2022 (10) SCC 700***. Here too, learned

counsel for the Consortium fairly admits that passage (XII) is not an extract from the aforesaid judgment. Apparently, this passage too is from a Commentary or a Digest. In order to appreciate the submissions of the parties, we deem it apposite to extract the passage (XII) as also the Question No. 57 of the Master Booklet, which read thus:-

> *"XII. In the present case, the levy of IGST on the supply of ocean freight services under the reverse charge mechanism on the importer, when the value of such service is already included in the transaction value of imported goods, amounts to double taxation. The concept of double taxation implies that the same subject matter is taxed twice when it should be taxed only once. The GST law, as framed, does not envisage taxation of a transaction twice, and the fundamental principles of GST do not support such an imposition. Further, the importer, who is not the recipient of the service but is treated as a deemed recipient under the reverse charge mechanism, cannot be made liable to pay tax on a service that they have not directly availed. This stretches the scope of reverse charge mechanism beyond its intended purpose, which is to simplify tax collection by shifting the liability to pay tax from the service provider to the service recipient, particularly in cases where the service provider is located outside India and does not have a presence within the taxable territory. Moreover, the constitutional framework requires that a tax should be levied with legislative competence and should not contravene any fundamental rights guaranteed under the Constitution. The imposition of IGST on ocean freight under the reverse charge mechanism without proper legislative backing undermines the very essence of taxation principles enshrined in the Constitution of India.*
>
> *(This extract is taken from Mohit Minerals v. Union of India CA No. 1390/2022)*
>
> *57. Assertion (A): The importer should not be liable to pay GST on ocean freight under the reverse charge mechanism if they are not the direct recipient of the service.*
>
> *Reason (R): The reverse charge mechanism is intended to shift the tax burden from service providers located outside India to the service recipients within India.*
>
> *a) Both A and R are true, and R is the correct explanation of A.*
>
> *b) Both A and R are true, but R is not the correct explanation of A.*
>
> *c) A is true, but R is false.*
>
> *d) A is false, but R is true."*

According to the Consortium, option 'a' is the correct answer, whereas according to the petitioners, option 'b' is the correct answer. The Consortium sought to justify option 'a' as the correct answer on the basis that the judgment itself noted that the "intended purpose" of the "reverse charge mechanism" is to "simplify tax collection by shifting the liability to pay tax from the service provider to the service recipient, particularly in cases where service provider is located outside India". According to the Consortium, both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A). Thus, option 'a' is the correct answer.

Whereas, learned counsel for the petitioners has staunchly argued and sought to support the submissions as to why option 'b' is the correct answer. According to learned counsel for the petitioners though the Assertion (A) and Reason (R) both are true, yet Reason (R) is not the complete and correct explanation of Assertion (A).

10. In order to support his submissions, learned counsel for the petitioners, referred to various relevant paragraphs of ***Mohit Minerals*** *(supra)* particularly para 153, 164 till 167. By referring to the aforesaid paragraphs learned counsel sought to demonstrate that though the Assertion (A) and Reason (R) are true but the Reason (R) is not the complete explanation of Assertion (A). Though after some argument, learned counsel contended that option 'c' could also be the correct answer.

11. To the contrary, Mr. Sri Kumar, learned counsel for the Consortium, drew our attention to para 169 of the judgment in ***Mohit Minerals*** *(supra)* to submit that in para 169, the Supreme Court has extracted the paragraph nos. 133, 134, 135 and 216 of the Gujarat High Court judgment, which was

in challenge before it, to submit that the Supreme Court after analysing the ratio laid down by the Gujarat High Court agreed that the tax on the supply of a service which has already been included by the legislation as a tax on the composite supply of goods cannot be allowed. On that basis, learned counsel emphasizes "Assertion (A)" and the "Reason (R)" are true and Reason (R) is the correct explanation of Assertion (A) as provided as option (a), is the correct answer. Predicated thereon, he also contended that option (b) wherein it is provided that the "Reason (R)" is not the correct explanation of "Assertion (A)" could not be the correct answer.

12. It is to be emphasized that the Consortium has, concededly, made yet another error by referring to passage (XII) as extract from the judgment of ***Mohit Minerals*** *(supra),* while this passage too appears to be a commentary or an extract from some Digest. From a plain and literal reading of the said passage, which is based on the judgment in ***Mohit Minerals*** *(supra),* it is clear that the Importer is not liable to pay GST on Ocean Freight under the "reverse charge mechanism" if they are not the recipient of the service. In other words, the said "reverse charge" is supposed to be levied as tax upon the service recipient within India and not on the service provider who are located outside India. This construction aligns with the Question No.57 of the Master Booklet and on that basis, we conclude that the option (a) is the correct answer. The justification as provided by the Consortium also conforms to our interpretation. The Consortium shall proceed to award marks to the candidates accordingly.

<u>In Re Question No. 98 of the Master Booklet</u>

13. We now proceed to consider the objections raised in respect of Question No.98 of the Master Booklet which is relatable to passage (XX).

It would be appropriate to extract passage XX and Question No.98 hereunder:

> *"XX. Jurisprudence progresses as well as regresses. The late nineteenth-century analysis of rights which Hohfeld brought to completion makes a notable advance in clarity. But rights of each of the four Hohfeldian types are spoken of by Aquinas, as well as by the civilian lawyers of his age (and indeed of earlier ages). The word 'right' translates the Latin ius or jus, the root of the words 'justice', 'jurist', 'juridical', and 'jurisprudence'. Though Aquinas does not use the plural forms of the word ius as often as we use the plural 'rights', it is a sheer mistake to claim, as some have, that he lacked or repudiated the concept of rights in the modern sense, in which a right is 'subjective' in the sense of belonging to someone (the subject of the right). When he defines just- ice as the steady willingness to give to others what is theirs, Aquinas immediately goes on to treat that phrase as synonymous with their right (ius suum); hence he treats a right/rights (ius/iura) as subjective. He also uses the word to speak of 'objective' right, that is, what interpersonal action or relationship is right-morally or legally, depending upon the context. Hobbes, who got inspired much in Benthamite and Austinian positivism, spurned the classical juristic tradition and defined 'right' as liberty in the sense of sheer absence of duty. So people have most rights in the state of nature where they have no duties. This move exemplifies regression in legal and, more generally, in political and moral philosophy. Fortunately, the mistake is quite obvious. If no one has any duties to or in respect of others, it will be more accurate to say that no one has any rights at all. For everyone, in such a state of affairs, is subject to being destroyed or abused by every- one and anyone else, and everyone's actions can be impeded as much as any person or group cares, and is able, to arrange. The truth is that the concept of a right makes little sense save as (the Hohfeldian claim-right) a correlative of someone else's duty, or (the Hohfeldian liberty) as protected by someone else's duty of non interference, or (the Hohfeldian power) as promoted by the duty of officials and others to recognize and effectuate one's acts-in-the-law (or their ethical counterparts), or (the Hohfeldian immunity) as protected by a similar duty of officials and others not to recognize another's juridical acts as it purportedly bears on my position.*
>
> *(Extracted, with edits and revision, from The Oxford Handbook of Jurisprudence and Philosophy of Law, Edited by Jules L. Coleman, Kenneth Einar Himma, and Scott J. Shapiro)*
>
> *98. Who said, "Right is an interest which is to be recognised, protected and enforced by law"?*
>
> *a) Roscoe Pound*
>
> *b) Salmond*

c) Holland

d) Bentham"

14. Ms. Kaadambari Puri, learned Senior Counsel appearing for the petitioner in W.P.(C) No.2558/2025 submitted that the question as posed and the options provided as answers do not correlate. According to her, the option (a) stated to be the correct answer by the Consortium is not borne out from the passage. By referring to judgment passed by the Mumbai High Court in ***Major General Shanta Shamsher Jung Bahadur Rana v. Kamani Brothers Private Limited,*** reported in ***1958 SCC OnLine Bom 63***, particularly to para 33 to 37, as also the judgment rendered by the Hon'ble Supreme Court in ***Mr 'X' v. Hospital 'Z',*** reported in ***1998 8 SCC 296***, paragraph 15, learned senior counsel asserted that it is beyond any doubt that the correct answer to Question No.98 would be "Salmond" and not "Roscoe Pound". Drawing out attention to the justification provided by the Consortium, Ms. Puri stoutly contended that the reasons provided are not at all relatable to the passage (XX). In fact, according to her, the reasons provided are nothing but conjectures and surmises of the Consortium.

15. On the other hand, Mr. Sri Kumar, learned counsel for the Consortium opposed the submission of the petitioner and stated that from a harmonious reading of the passage in question, it stands to reason that the answer at option (a) is the only correct choice. Referring to the justification provided by the Consortium, he submitted that the book "Spirit of the Common Law (1921)" and the article "Jurisprudence" of Roscoe Pound and published in the Harvard Law Review (1911), brings out how legal rights are deeply connected to societal interest. He emphasized that the school of sociological jurisprudence is undoubtedly traceable to Pound and is an examination on the connections between law, society and individual

interest. Lastly, he submitted that these issues have been closely examined by the Subject Matter Experts and in terms of the trite law, the Court should not interfere with the conclusions nor should the Court substitute their own opinion to that rendered by the Subject Matter Expert. He thus submitted that the objections on this score may be rejected.

16. Having considered the arguments of learned counsel for the parties, we deem it appropriate to extract hereunder the relevant paragraphs referred to by Ms. Puri of judgments of the Bombay High Court as also the Hon'ble Supreme Court. The same are extracted hereunder:

(i) ***Major General Shanta Shamsher Jung Bahadur Rana v. Kamani Brothers Private Limited,1958 SCC OnLine Bom 63:***

> *"**33.** According to Holland (Holland's Elements of Jurisprudence, 12th edn., p.82) a right:*
>
> *"....is one man's capacity of influencing the acts of another, by means, not of his own strength, but of the opinion or the force of society".*
>
> ***34.** Now, what is a "legal right"?*
>
> ***35.** According to Salmond (p.230):*
>
> *"A legal right is an interest recognised and protected by a rule of legal justice- an interest the violation of which would be a legal wrong done to him whose interest it is, and respect for which is a legal duty".*
>
> ***36.** According to Holland (p. 83):*
>
> *"(A legal right).... is a capacity residing in one man of controlling, with the assent and assistance of the State, the actions of others".*
>
> ***37.** Therefore, according to both Salmond and Holland, every interest or right which is recognised and protected by the State, i.e., by the laws of the State, is a legal right and every such legal right involves a legal duty or obligation."*

(ii) **Mr 'X' v. Hospital 'Z', 1998 8 SCC 296:**

> *"**15.** "Right" is an interest recognised and protected by moral or legal rules. It is an interest the violation of which would be a legal wrong. Respect for such interest would be a legal duty. That is how Salmond has defined "right". In order, therefore, that an interest becomes the subject or a legal right, it has to have not merely legal protection but also legal*

recognition. The elements of a "legal right" are that the "right" is vested in a person and is available against a person who is under a corresponding obligation and duty to respect that right and has to act or forbear from acting in a manner so as to prevent the violation of the right. If, therefore, there is a legal right vested in a person, the latter can seek its protection against a person who is bound by a corresponding duty not to violate that right"

17. Plainly, we do not see how the Consortium can take a stand that it is Roscoe Pound and not Salmond who has given the statement posed in Question No.98 of the Master Booklet. The Bombay High Court as also the Hon'ble Supreme Court has, after examining the relevant material, quoted the statement of Salmond which aligns with and conforms to the statement posed as Question No.98. In that view of the matter, we are unable to accede to the submissions of Mr. Sri Kumar. Thus, clearly, it is option (b) i.e. Salmond and not option (a) i.e. Pound, which is the correct answer. Resultantly, the Consortium shall award marks to the candidates accordingly.

18. The issue **(ii)** raised in the present batch of writ petitions is in respect of the challenge to the levy of Rs.1,000/- as fee per question objected to by the candidates being excessive and prohibitive. According to the learned counsel for the petitioners, the charges of Rs.1,000/- is not only excessive, exorbitant, disproportionate and prohibitive but also arbitrary and whimsical and ought to be quashed and set-aside.

19. Learned counsel submitted that the Consortium has changed the rules of the game mid-way which is impermissible in law as settled by the Hon'ble Supreme Court. They contended that the publication of levy of the fee per question objected to, was on the day when the results were announced and not contained in the brochure at the time of commencement

of the CLAT PG Examination process. They submitted that the petitioners had immediately filed a petition under Article 32 of the Constitution of India, 1950, challenging the excessive, disproportionate and prohibitive fee of Rs.1,000/- per question.

20. Learned counsel for the petitioners also invited attention of this Court to the compilation of Annexures and referred to the comparison chart of objection fee charged by various institutions/organisations holding National Exams and placed at page 769 of the Paper Book. Learned counsel was at pains to demonstrate as to how other organisations of National repute, which hold Entrance Examinations at the National level including UGC NET, JEE/JEE (Mains), NEET (UG-2024) etc., levy fee which range between Rs.100/- to Rs.200/- per question while it was the Consortium alone which had charged a fee of Rs.1,000/- per question.

21. He also referred to the Report of the Committee constituted to look into the matter of improper conduct of CLAT-2018 to submit that though the Report was confined to the fee charged for the examinations, yet the Report disclosed the unreasonable and highly inflated profit margin that the Consortium was earning out of the fee charged for the examinations. Dilating further, he emphasized that there has been no change in the attitude of the Consortium even in respect of the fee charged for the objected questions. In that view of the matter, he contended that the fee as charged be held as excessive, prohibitive, arbitrary and whimsical and as such, be quashed and set aside.

22. Learned counsel for the petitioners, vehemently contended that apart from the above, there is no statutory power with the Consortium to levy such hefty fee. He emphasized that the Consortium is a loose

conglomeration of National Law Universities and do not have any power or any charging Sections under which such fee can be levied. Moreover, the Notice calling upon eligible candidates to participate in CLAT PG Examinations did not contain any such information taking the candidates by surprise on the day of publication of the result. Predicated thereon, he submitted that the fee of Rs.1,000/- per question objected to, is without authority of law and beyond the jurisdiction of Consortium.

23. *Per Contra,* Mr. Sri Kumar, learned counsel appearing for the Consortium submitted that the fee as charged per question which is objected to is neither excessive nor prohibitive or even arbitrary. He contended that for those challenges to the questions which are upheld by the Consortium or the Subject Matter Expert, the fee which is charged is refunded to such candidates. He thus, stated that there is no arbitrariness or whimsicalness to such levy and it has a reasonable nexus to the objective sought to be achieved.

24. Another argument raised by the Consortium is in respect of such levy being justifiable to keep frivolous objections at bay. According to learned counsel, unless and until the Consortium charges such a fee, it cannot prevent frivolous and bogus elements from bombarding the Consortium with frivolous objections which would tend to delay and protract the declaration of results. This in turn, would also delay the admission process of the successful candidates resulting in interference with the academic schedule too. As an example, he submitted that the innumerable coaching institutes present all over the country put up bogey candidates with frivolous objections which tend to waste time and delay the entire admission process. He stated that the Consortium has learnt this bitter truth

by way of experience in the past many years and is charging such fees only to ensure genuine candidates submit their genuine objections.

25. Having heard learned counsel for the parties on issue **(ii),** we are of the considered opinion that there has to be a fine balance which needs to be resolved between two sets of, what appears to be, genuine grievances. On one hand, while comparing the fee charged for objected questions by other organisations/institutions of National level with that charged by the Consortium appears to be excessive and disproportionate, while appreciating the concerns of the Consortium which too does not appear to be fanciful or imaginative, rather appears to be a measure which may be required in order to keep frivolous individuals and more so, the coaching institutes at bay. It would also be relevant to note that the time and efforts spent and made by the Subject Matter Experts or the Oversight Review Committee and the Consortium as a whole in resolving these objections, in case they are in large number, frivolous, may entail huge, unnecessary and avoidable delay and/or protraction of the admission process, affecting or impacting the academic schedule too.

26. Notwithstanding the above observations, and keeping in mind that most of the candidates have already paid such fees, quashing such levy at this point in time may entail obstacles which may be unnecessary and may result in litigations which are not required. However, we expect that the aforesaid observations would be sufficient for the Consortium to take heed of and take appropriate steps to avoid such excessive fee in the next examinations, scheduled for the following years. In our considered opinion, it may be advisable for the Consortium to place this issue before the committee headed by Justice G. Raghuram (Retd.) for his valuable opinion

which may be adhered to by it.

27. In that view of the matter, we dispose of the writ petitions without any order as to costs directing the Consortium to comply with the aforesaid directions forthwith and declare the results with expedition.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 27, 2025/*rl*