

IN THE HIGH COURT OF KARNATAKA AT  
BANGALORE

(Original Jurisdiction)

W.P. No. \_\_\_\_\_/2020 (PIL)

**Between:**

Purbayan Chakraborty

...Petitioner

**And:**

Bar Council of India and Ors.

...Respondents

**INDEX**

Sl No.	Contents	Pg. No.
1.	Synopsis of Chronological Events with Dates	
2.	Memo of parties	
3.	Memorandum of Writ Petition	
4.	Verifying Affidavit	
5.	<b>Annexure A</b> True Copy of the Bar Council of India Guidelines dated 27.5.2020	
6.	<b>Annexure B</b> True Copy of the Bar Council of India Press Release dated 9.6.2020	
7.	<b>Annexure C</b> True copy of the Karnataka State Law University Revised academic calendar dated 16.07.2020	
8.	<b>Annexure D</b> True copy of the Government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020	
9.	<b>Annexure E</b> True copy of the UGC Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic	
10.	<b>Annexure F</b> True copy of the UGC Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic.	

11.	<b>Annexure G</b> True copy of the Department of Higher Education, GOK, order directing Shutdown of colleges across the state.	
12.	<b>Annexure H</b> True copy of the Karnataka State Law University's order directing its colleges to complete remaining syllabus through online modes.	
13.	<b>Annexure I</b> True copy of the Karnataka State Law University's order of reopening of colleges in the even semester.	
14.	<b>Annexure J</b> Email Representation dated 20.07.2020 to the authorities concern	
15.	<b>Annexure K</b> True copy of the relevant extract of the survey conducted by National Statistical Office, GOI.	
16.	<b>Annexure L</b> True Copy of the BCI communication to the Hon'ble Chief Justice of India dated 28.04.2020	
17.	<b>Annexure M</b> True copy of the Ministry of Home Affairs communication dated 6.07.2020	

Place: Chanchal

Date:

Petitioner-in-person  
(Purbayan Chakraborty)

**IN THE HIGH COURT OF KARNATAKA AT  
BANGALORE**

(Original Jurisdiction)

W.P. No. \_\_\_\_\_/2020 (PIL)

**Between:**

Purbayan Chakraborty

...Petitioner

**And:**

Bar Council of India and Ors.

...Respondent

**SYNOPSIS AND LIST OF DATES**

Date	Event
10.02.2020	Colleges under Karnataka State Law University started its operation for even semester of 2019-2020 academic calendar.
14.03.2020	The government of Karnataka order directing shutdown of colleges across the state.
10.04.2020	Karnataka State Law University directed completion of remaining syllabus through online modes of teaching.
29.04.2020	UGC Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown.
27.05.2020	Bar Council of India guideline regarding conduct of law exam.
9.06.2020	Bar Council of India press release regarding conduct of law exam.
6.07.2020	UGC Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic
06.07.2020	Ministry of Home Affairs' communication permitting conduct of final year exam.
10.07.2020	Government of Karnataka implements the UGC revised guidelines and ordered all the universities in the state to evaluate the intermediate semester students on 50:50 comprehensive formula.
16.07.2020	Karnataka State Law University's Revised academic which notifies commencement of intermediate semester examination from 05.10.2020.
20.07.2020	The email representation to the authorities concern.

The present public interest litigation is being filed by the Petitioner-in-person in respect of Karnataka State Law University's revised academic calendar dated 16.07.2020 which notifies commencement of intermediate semester examination

from 05.10.2020.

The notification deviates from the UGC Revised Guidelines dated 6.07.2020 and the government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020 which mandated all the universities in the state of Karnataka to evaluate its intermediate semester students under comprehensive formula, where 50% weightage would be in internal evaluation and 50 % weightage would be in marks scored in previous semester.

This notification is violating article 14 as well as article 21 of the constitution of India. Government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020 says the universities might reopen with their physical classes from 01.10.2020 tentatively subject to the permission of ministry of Home Affairs and the Karnataka State Law University notification mandates an examination for intermediate semester students from 05.10.2020. Almost 70-80% of the syllabus of this semester was covered through online mode and therefore, if there is an examination, it will have a disproportionate impact on the students who were unable to take part in the online classes due to various reasons such as internet accessibility, affordability, remote locality etc. This will attract the doctrine of 'disparate impact' under article 14 of Indian Constitution.

Further, the Karnataka State Law University's exam notification dated 16.07.2020 which primarily gives effect to Bar Council of India (BCI) Guidelines dated 27.5.2020 and Press Release dated 9.6.2020, suffers from manifest unreasonableness. We have seen a significant change in the circumstances in last two months, post 27.5.2020. On 27.5.2020, when the BCI guideline was issued, the number of confirmed cases in the state of Karnataka was 2418 whereas today it has crossed 60000. Our academic calendar is heavily compromised. The colleges are not going to reopen anytime soon and by the time colleges reopen, the students would have at the maximum, two to three months in their hand to prepare for the next examination. Moreover, Law students depend completely upon library for the purpose of study material. Now, because of sudden shutdown of colleges, the students have lost access to library and have come back home without any study material in their hand. Therefore, in order to cover 70-80% of syllabus of 5 to 6 subjects, it will at least require 2 to 3

months of time after reopening of college, so as to compensate the loss for the online classes and for the students to have access to library and study materials and prepare for the semester examination. But if that is allowed, then the next academic year will collapse and that is why universities across the country are following the 50:50 comprehensive mechanism as recommended by UGC and ordered by the government of Karnataka. Therefore, the BCI guideline is outdated and not anymore good law.

Further, UGC Revised Guidelines dated 6.07.2020 and the government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020 do not classify between law university and non-law university and it equally applies to all the universities. The law students of Karnataka State Law University are equally affected by the pandemic and they are similarly circumstanced. Therefore, non-inclusion of intermediate semester law students within this examination scheme of UGC and Karnataka State Higher Education Department would amount to an unreasonable classification and violate article 14 of Indian Constitution.

Further, Ministry of Home Affairs vide its communication dated 6.07.2020 has permitted conduct of only final year examinations by Universities and Institutions. Therefore, permitting an offline examination and asking Intermediate semester students who are four times in number, to appear for the exams, would amount to directly exposing them to danger and risk to their health and lives and would amount to a violation of Article 21 which guarantees the right to life and health.

It is humbly submitted that this Public Interest Litigation raises several important issues revolving around the fundamental rights of students and the relief is prayed for accordingly.

Place: Chanchal  
Date:

Petitioner-in-Person  
(Purbayan Chakraborty)

**IN THE HIGH COURT OF KARNATAKA AT  
BANGALORE**

**(Original Jurisdiction)**

**W.P. No. \_\_\_\_\_/2020 (PIL)**

**Between:**

**Purbayan Chakraborty,**

....Petitioner

**And:**

1. Bar Council of India

Represented by the Chairman  
21, Rouse Avenue Institutional Area,  
Near Bal Bhawan, New Delhi – 110 002

2. Karnataka State Law University,

Represented by the Registrar  
Navanagar, Hubballi, Karnataka-580025,

3. State of Karnataka

Represented by the secretary to the government,  
Department of Higher Education,  
M.S. Building, Dr. B.R Ambedkar Veedhi,  
Bangalore 560001.

4. University Grant Commission

Represented by the Chairman,  
Bahadur Shah Zafar Marg, New Delhi – 110002

5. Ministry of Home Affairs

Represented by the secretary to the government,  
North Block, New Delhi - 110001

... Respondents

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA**

The Petitioner most humbly submits as follows:

1. The address of the Petitioner for the purpose of service of summons notices, etc. from this Hon'ble Court is as stated in the cause title.
2. The addresses of the respondents for the same purpose are as stated in the cause title.
3. The Petitioner is filing the present writ petition as a Public Interest Litigation, before this Hon'ble Court under Article 226 of the Constitution of India. The Petitioner is a 3rd year law student of B.A.,LL.B(Hons.) course at Karnataka State Law University's Law School, Hubli, Karnataka and conscious about democratic and constitutional rights of the Citizens of India. He is also involved with various social activities pertaining to the question of rights of the people belonging to low socio-economic section of the society.
4. The Petitioner has filed the instant Public Interest Litigation before the Honourable High Court of Karnataka at Bangalore in order to address the issues faced the students from the intermediate semester/year due to revised academic calendar issued by Karnataka State Law University. The instant Public Interest Litigation has been filed in order to address the larger issue related to Public Interest and not for any personal, political interest or for any other gain.
5. It is submitted that the Department of Higher Education, Government of Karnataka vide its order dated 13.03.2020 ordered shutdown of college and universities across the state with effect from 14.03.2020. **(Annexure G)**
6. It is submitted that with an intention to ensure timely completion of the syllabus of graduate courses, Minister for Higher Education, had instructed the Vice-Chancellors to conduct classes online and wind up the remaining syllabus by May 30.<sup>1</sup> [Reported in Start of Mysore,

---

<sup>1</sup> Available at <https://starofmysore.com/colleges-told-to-complete-graduate-syllabus-by-may-30/>

*‘Colleges Told To Complete Graduate Syllabus By May 30’* May 12, 2020]. The same can also be traced in an order of Karnataka State Law University dated 10.04.2020 which directed its affiliated law colleges to complete the remaining syllabus through various online modes. (**Annexure H**)

7. It is submitted that law colleges in the state of Karnataka started its operation for the even semester on 10.02.2020 (**Annexure I**) and conducted classes for around one month before its shutdown. So effectively around 70-80 % of the syllabus was covered through online teaching.
8. It is submitted that the University Grant Commission gave its “Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown” of April 2020 wherein it was suggested that In case the situation does not appear to be normal in view of COVID-19, grading of the students could be composite of 50% marks on the basis of the pattern of internal evaluation adopted by the universities and the remaining 50% marks can be awarded on the basis of performance in previous semester. (**Annexure F**)
9. It is submitted that The Bar Council of India vide its communication dated 27th May, 2020 (bearing letter No.BCI:D:1401/2020) (**Annexure A**) read with the Press Release Dated 09.06.2020 (**Annexure B**) recommended the Law Universities to conduct examination for the intermediate semester students after reopening of colleges/universities.
10. It is submitted that UGC Expert Committee was requested to revisit the Guidelines for Examinations and Academic Calendar as the number of COVID cases were rising and likely to increase further. The UGC approved the recommendations of the Expert Committee and clarified that the guideline regarding conduct of intermediate semester examination will remain unchanged vide its “*UGC Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic*” dated 6.07.2020. (**Annexure E**)



11. It is submitted that HRD Secretary has clarified that the revised UGC guidelines are binding on states<sup>2</sup>. [Reported in The Indian Express, on 11.07.2020 ‘*UGC guidelines on examinations binding on states*’]
12. It is submitted that the state of Karnataka has implemented the guidelines vide its order ED/197/UNE/2020 dated 10.07.2020 mandating all the state universities to evaluate all the intermediate semester students based on comprehensive formula which is composite of 50% marks on the basis of the pattern of internal evaluation adopted by the universities and the remaining 50% marks awarded on the basis of performance in previous semester. **[Annexure D]**
13. It is submitted that the Karnataka State Law University has issued revised academic calendar (KSLU/Reg/Acad-II/2020-21/0274) (**Annexure C**) dated 16.07.2020 which notifies commencement of intermediate semester examination from 05.10.2020, unreasonably deviating from the UGC revised guidelines dated 6.07.2020 and the government of Karnataka order dated 10.07.2020.
14. It is submitted that the Karnataka State Law University’s revised academic calendar (**Annexure C**) has a disparate impact on the students who were unable to attend classes in online mode for various reasons like accessibility, remote locality, and affordability.
15. It is submitted that the Karnataka State Law University’s revised academic calendar (**Annexure C**) violates fundamental rights of the students protected under article 14 as well as article 21 of the constitution of India.
16. The Petitioner has not presented any other Writ Petition before this Hon’ble Court or any other Forum on the same cause of action.
17. The Petitioner has given an Email Representation to the Authorities concerned in this regard and has failed to secure any response from them. (**Annexure J**)
18. The Petitioner, having no other efficacious or alternate remedy, has

---

<sup>2</sup> Available at <https://indianexpress.com/article/india/ugc-guidelines-on-examinations-binding-on-states-6500123/#:~:text=The%20UGC%20guidelines%20on%20final,the%20Union%20government%20in%20protest.&text=In%20fact%2C%20the%20UGC%20will,by%20all%20universities%20and%20colleges.>

approached this Hon'ble Court by presenting this Writ Petition as a Public Interest Litigation under Article 226 of the Constitution on the following among other grounds:

### GROUNDS

- I. For that the direction to conduct an examination has a disproportionate and adverse impact on the students who were unable to attend classes in online mode for various reasons like accessibility, remote locality, and affordability.
- II. For that a nationwide survey conducted by National Statistical Office, Ministry of Statistics and Programme Implementation, Government of India on “*key indicators of Household Social Consumption on Education in India*” for the year 2017-18 shows that only 10.7 % Percentage of households has a computer while 18.8 % households has an internet facility In Karnataka and the percentage goes down to 2.0 and 8.3 respectively in rural Karnataka.<sup>3</sup> (**Annexure K**)
- III. For that The Bar Council of India vide its communication dated 28th of April, 2020 [bearing letter No.BCI:D:1373/2020 (Council)] has already taken cognizance of the digital divide that exists in our Society. The communication (**Annexure L**) noted that:

*“We should not forget that a large Strata of society here in India still have no drinking water in their vicinity unable to eat even two meals a day, while at the same time there is another strata of society which has access to private jets. There are so many Strata of people in between these two strata; some areas have no electricity, no schools and colleges. Yet it is among them some want to study law become a lawyer to serve his/her society and they go and seek admission in nearby centres of the legal education for perusing their dreams. Such students’ parents may be labourer or may be exceedingly poor or from lower middle class and they may have just somehow managed to pay the college fees and still have no possibility of having any computer and/or net connection at home*

---

<sup>3</sup> Available at: page A-74, Table 32.1 available at [http://mospi.nic.in/sites/default/files/publication\\_reports/KI\\_Education\\_75th\\_Final.pdf](http://mospi.nic.in/sites/default/files/publication_reports/KI_Education_75th_Final.pdf)

*for giving/imparting or making available any such technology to their children due to their limitations and/or due to lack of facilities in their vicinity.”*

IV. For that the petitioner has interacted with a principal of a law college, Affiliated to Karnataka State Law University and a student of that college, to further assess the magnitude of the problem and found out that majority of the students were unable to follow the online mode of teaching. Details of the discussion are given below to throw some light on this issue:

A. **Name:** Dr. Sanjith M N.

**Designation:** Principal

**College:** S B R R Mahajana Law College, Mysore

**Total Strength:** 140 students

**Attendance in online class:** around 40 to 50 students

**Reason:** “There are Various Reasons. Majority of the students reside in remote areas where making a phone call is a difficult task due to poor network connectivity, attending online classes is a dream for them. Some of the students do not even have a device (computer or smart phone) to attend online classes. When a mother cooks food, she wants all her children to eat. As teachers, we feel helpless, when we find that students are not being able to attend classes for their various socio-economic barriers.”

B. **Name:** Arunkumara H.S.

**Designation:** Student (1<sup>st</sup> Year)

**College:** S B R R Mahajana Law College, Mysore

**Residence:** Village: Hosur Kallahalli; Taluk: K R Nagar

District: Mysore; Pin Code 571602

**Problem:** I did not have a smart phone or a computer to attend online classes. I come from a poor family. I do not have any study material with me. I am not in a position to write examination, if conducted.

- V. For that the online/internet mode education which was adopted as an alternative soon after the shutdown of the educational institution was essentially limited to the rich and comfortable class of our society.
- VI. For that the Hon'ble Delhi High Court in *Madhu v. Northern Railway [247 (2018) DLT 198]* placed its reliance upon a Canadian supreme court judgement *Andrews v Law Society of British Columbia [(1989) 1 S.C.R. 143]* and held that: "the touchstone to examine the validity of an allegedly discriminatory action is whether or not the effect of the action has a disproportionate impact on a class of citizens." and thereby read the doctrine of 'Disparate Impact' within the equality scheme of our constitution. It may be noted that the Hon'ble Delhi High did not restrict the operation of this doctrine only to the instances of article 15 or 16 but intentionally extended it to cover class of citizens to confer a greater protection under article 14.
- VII. For that His Lordship Justice Dr. D Y Chandrachud's in his concurring judgment , in *Navtej Singh Johar v. Union of India (AIR 2018 SC 4321)* , under the heading "*E.1 Facial neutrality: through the looking glass (para 394 and 395)*" held that : "Thus, when an action has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society, it would be suspect."
- VIII. For that the government's direction to conduct the examination might appear to be a neutral academic standard on its face and non-discriminatory by its intention. However on an in-depth investigation it would be realized that it has only become a new tool to indirectly discriminate against the students from the lower socio-economic section on the wrong side of the digital divide.

- IX.** For that the students who were unable to follow the online mode of education for various reasons like affordability, accessibility, remote locality etc., would effectively be compelled to write examination on subjects which they were never taught and that will have a **disparate impact** on these students and will impose an extra burden, obligation, or disadvantage on such individuals who were already marginalized.
- X.** For that the students and their parents have been committing suicide for not being able to arrange a smart phone and internet connection, required for an online class<sup>4</sup>. A poor man was forced to sell his cow which was his only source of income, to buy a smartphone for online studies of his children.<sup>5</sup> [Reported in **India Today Web Desk, July 23, 2020** “*Himachal man sells cow to buy smartphone for kids' online classes*” ]
- XI.** For that education is a right in our country, but internet is a privilege. India as it stands today, cannot afford to evaluate its students based on education which is disseminated through internet.
- XII.** For that the Law students completely depend upon library for the purpose of study material. Now, because of the sudden shutdown of colleges, the students have lost access to library and have come back home without any study material in their hand.
- XIII.** For that the BCI guideline dated 27.05.2020 which was issued almost two months back, is outdated now and not anymore a good law.
- XIV.** For that there have been significant changes in circumstances in last two months. On 27.05.2020, when the guideline was issued by BCI, the total number of active cases was 1588, and as on 22.07.2020, the total number

---

<sup>4</sup> Available at

- I. <https://www.ndtv.com/india-news/coronavirus-kerala-girl-cant-attend-online-classes-amid-lockdown-commits-suicide-2239318>
- II. <https://www.edexlive.com/news/2020/jun/24/unable-to-attend-online-classes-and-exams-class-10-student-commits-suicide-in-assam-12859.html>
- III. <https://www.edexlive.com/news/2020/jul/02/tripura-man-dies-of-suicide-after-failing-to-buy-smartphone-for-daughter-to-attend-online-classes-13037.html>

<sup>5</sup> Available at <https://www.indiatoday.in/india/story/himachal-man-sells-cow-to-buy-smartphone-for-kids-online-classes-1703545-2020-07-23>

of active cases is 47,066 which is the third highest in the country.<sup>6</sup> This rapid increase of COVID cases has resulted in delay in reopening of colleges and the situation is not likely to get normal anytime soon.

- XV.** For that it is manifestly unreasonable to ask the students to appear for a previous semester examination while the students are in a different semester. It is humanly impossible to write examination for a previous semester while studying 5 or 6 different law subjects for a different semester. This will have a damaging impact on the mental health of the students.
- XVI.** For that in order to cover 70-80% of syllabus of 5 to 6 subjects of law, it will at least require 2 to 3 months of time after reopening of college, so as to compensate the loss for the online classes by conducting remedial classes and for the students to have access to library and study materials and prepare for the semester examination. But if that is allowed, then the next academic year will collapse and that is why universities across the country are following the 50:50 comprehensive mechanism as recommended by UGC and ordered by the government of Karnataka.
- XVII.** For that the 50:50 weightage mechanism keeps only 50% weightage on assessment from the current semester through a process of internal evaluation which allows the respective university/ college to adopt an individualist approach on case to case basis taking into account special circumstances of each students, rather than setting a uniform standard for everyone which goes against the very idea of equality in a situation of pandemic like this.
- XVIII.** For that this 50:50 comprehensive formula does not deprive anyone the opportunity to write examination. As per this mechanism, anyone who is not satisfied with the grade, will get an opportunity to write examination after reopening of colleges.(**Annexure D**)
- XIX.** For that In *State of west Bengal v. Anwar Ali Sarkar (AIR 1952 SC 75)*, it was explained that the traditional test for equality under article 14 requires the classification to have an *intelligible differentia* and a reasonable nexus with the *legislative object*. Intelligible differentia means that there must be a yardstick to differentiate between those included in and excluded from the group and that yardstick must have a rational nexus with the object of the law.

---

<sup>6</sup> Available at <https://www.covid19india.org/>

- XX.** For that in the present case the government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020 gives relaxation of examination for intermediate semester/year students of all the universities of the state excluding the law students of Karnataka State Law University. So, the yardstick is essentially the '*field of study*' and the object of the law, as it can be clearly inferred, is to *protect the interest of the students*. Therefore, in the present case there is no reasonable nexus between the *object of the law* and *intelligible differentia* and it violates the equality rights of the law students of Karnataka State Law University.
- XXI.** For that the law students of KSLU are equally affected by the pandemic and they are similarly circumstanced. Therefore, an examination scheme, brought to protect the interest of students, should indiscriminately be extended to the law students of KSLU as well.
- XXII.** For that it has been orally confirmed that the examination for both final year and intermediate semester will be conducted in offline mode. The BCI guideline dated 27.05.2020 or the press note dated 9.06.2020 does not provide for an offline examination for final year law students. Therefore, the Karnataka State Law University has relied upon the government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020, for the purpose of final year law examination in the same revised academic calendar dated 16.07.2020. Moreover, the university has been following the instructions issued by the department of Higher Education, GOK, during this course of pandemic. (ANNEXURE H) But it was only for the purpose of intermediate semester examination, the university is deviating from the Department of Higher Education, GOK order no. ED/197/UNE/2020 dated 10.07.2020.
- XXIII.** For that an offline examination for intermediate semesters poses great risk of life and health to the thousands of final year students and their families, invigilators, evaluators, transport authorities, support staff and several other key stakeholders, either directly or indirectly, involved in the examination process.
- XXIV.** For that as many as 32 SSLC students, who took exams between 25 June and 3 July, reported to have been tested positive for the coronavirus and 80 other students are under home quarantine in Karnataka<sup>7</sup>. [Reported in

---

<sup>7</sup> Available at <https://www.thequint.com/news/education/karnataka-students-sslc-exam-test-positive-for-coronavirus>

**The Quint**, 4<sup>th</sup> July '32 *Karnataka Students Who Wrote SSLC Exam Test Positive For COVID*']

- XXV.** For that compared to SSLC, threat is much higher in degree examination. A large section of students reside either in different parts of India and mandating terminal semester examinations would compel these students to travel inter-state amid the virus, share rooms with other students in hostels, and make arrangements for food. More worryingly, students could be potential carriers of the virus thereby posing a serious health hazard to all those that they come in contact with in the process of reaching exam centers.
- XXVI.** For that the Ministry of Home Affairs vide its communication dated 6.07.2020 has permitted conduct of only final year examinations by Universities and Institutions. (**Annexure M**) Therefore, permitting an offline examination and asking students to appear for the exams, would amount to directly exposing them to danger and risk to their health and lives and would amount to a violation of Article 21 which guarantees the right to life and health.
- XXVII.** For that the Honorable Supreme Court in *All India Council for Technical Education v. Surinder Kumar Dhawan and Ors.* ( *AIR 2009 SC 2322 at para 15* ) while dealing with a pure question of academic policy relied upon *Directorate of Film Festivals v. Gaurav Ashwin Jain* (*AIR 2007 SC 1640 at para 14*) where the Honorable Supreme Court had held that:
- “Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary.”*
- XXVIII.** For that it's not the wisdom or soundness of the policy, but the constitutionality of the policy, which is under question here. The impugned orders/notifications/communications violate right to



equality and right to life of the students. Therefore this honorable court has every reason to exercise judicial review over this matter.

### GROUND FOR INTERIM PRAYER

**XXIX.** For that the Bar Council of India's communication dated 27.05.2020 (bearing letter No.BCI:D:1401/2020) and the Press Release Dated 09.06.2020 has already been given effect vide the revised academic calendar (KSLU/Reg/Acad-II/2020-21/0274) of Karnataka State Law University dated 16.07.2020. Students from different parts of India have already started to plan their travelling, accommodation and several other arrangements associated with examination. Hence the interim order as prayed for is very essential.

### PRAYER

WHEREFORE, it is prayed that this Hon'ble Court may be pleased to grant the following relief/s:

1. Issue a suitable writ, order or direction for a writ of mandamus or any other appropriate writ, order or direction quashing the revised academic calendar (KSLU/Reg/Acad-II/2020-21/0274) of Karnataka State Law University dated 16.07.2020 to the extent it notifies the commencement of intermediate semester examination from 05.10.2020. (**Annexure C**)
2. Issue a suitable writ, order or direction for a writ of mandamus or any other appropriate writ, order or direction Quashing the Bar Council of India's communication dated 27.05.2020 (bearing letter No.BCI:D:1401/2020) and the Press Release Dated 09.06.2020 to the extent it operates on Karnataka State Law University. (**Annexure A and Annexure B**)
3. Issue a suitable writ, order or direction for a writ of mandamus or any other appropriate writ, order or direction directing the Respondent no.2 i.e Karnataka State Law University to evaluate the intermediate

semester students under comprehensive formula, where 50% weightage would be in internal evaluation and 50% weightage would be in marks scored in previous semester as proposed by the government of Karnataka order no. ED/197/UNE/2020 dated 10.07.2020.

4. Issue a suitable writ, order or direction for a writ of mandamus or any other appropriate writ, order or direction directing the respondent no.2 i.e the Karnataka State Law University to conduct weekly one remedial class throughout the next academic year so as to mitigate the loss suffered by the students due to the shutdown of college.
5. Issue other directions and orders to the respondents within the facts and circumstances of this case in the interests of justice and equity.

**INTERIM PRAYER**

Pending disposal of this Writ Petition, the Petitioner prays that this Hon'ble Court may be pleased to stay the operation of Karnataka State Law University's revised academic calendar (KSLU/Reg/Acad-II/2020-21/0274) dated 16.07.2020 to the extent it notifies the commencement of intermediate semester examination from 05.10.2020 (**Annexure C**), in the interest of equity and justice.

Place: Chanchal  
Date:

Petitioner-in-person  
(Purbayan Chakraborty)