



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 11442/2023

Anindita Biswas, D/o Krishnendu Biswas, Aged About 19 Years,
R/o 81, Madhusudan Banerjee Rd, Shibachal, Birati, Near Smart
Bazaar, Opposite Of PNB (Birati) Branch, Kolkata, West Bengal
700051

-----Petitioner

Versus

National Law University, Jodhpur, Through Its Registrar At
Nh-65, Nagour Road, Mandore, Jodhpur 342304,
Rajasthan

2. State Of Rajasthan, Through Its Jt. Secretary, Higher
Education Department, Secretariat, Jaipur, Rajasthan.

3. Consortium Of National Law Universities, Through Its
Secretary At P.o. Bag 7201, Nagarbhavi, Bangalore 560
072 Karnataka, India.

-----Respondents

For Petitioner(s) : Mr. Siddharth Aggarwal, Senior
Advocate (through V.C.) assisted by
Mr. Bhavyadeep Singh and Mr. Vinay
Kothari.

For Respondent(s) : Mr. Rajendra Prasad, Senior Advocate
& Advocate General assisted by
Mr. Anirudh Singh Shekhawat and
Mr. Sheetanshu Sharma

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI**

Judgment

Reportable

Reserved on 26/03/2025

Pronounced on 10/06/2025

Per Dr. Pushpendra Singh Bhati, J:

1. This writ petition under Article 226 of the Constitution of
India has been preferred claiming the following reliefs:



"(A) Issue an appropriate writ, order or direction quashing and setting aside the Notification S.O. 123 dated 26.12.2022 qua reservation of seats in undergraduate and postgraduate courses for Domicile of State of Rajasthan as ultra vires the Constitution of India and ultra vires the National Law University Jodhpur Act, 1999;

(B) Issue an appropriate writ, order or direction quashing and setting aside the Respondent No.1 University's Executive Council's Resolution dated 22.01.2022 qua domicile reservation as ultra vires the National Law University Jodhpur Act, 1999;

(C) Issue an appropriate writ, order or direction declaring that the Respondent No.2 does not have any power, authority or control over the autonomy of the Respondent No.1 University;

(D) Grant any other further relief(s) as may be deemed fit in the facts and circumstances of the case and in the interest of justice."

2. Before delving into the instant controversy it is pertinent to note that, in the 1980s, the Bar Council of India, with a vision to reform and enhance the quality of legal education in India, initiated the establishment of model law schools conferred with university status. These institutions were designed to offer a five-year integrated Bachelor of Laws (LL.B.) course post completion of higher secondary education (10+2).

2.1. The first such institution, the National Law School of India University (NLSIU), Bengaluru, was established as a pilot model. Its success led to a national-level consensus to replicate this model across various states.

2.2. The strategy was formalized through the Hyderabad Resolution adopted during a meeting of Law Ministers and Law



Secretaries held from 23rd to 25th November 1995. The Resolution called for urgent legal education reforms and recommended the establishment of one National Law University in each state, intended to serve as a model for legal instruction and institutional excellence.

3. Acting on this recommendation, the National Law University, Jodhpur was established by the National Law University, Jodhpur Act, 1999 (hereinafter referred to as the Act of 1999), which was notified on 08.10.1999. The University was envisioned to function as an autonomous legal education and research institution of national repute.

2.4. Admission to the University is conducted through a competitive national-level examination, the Common Law Admission Test (CLAT), in which candidates from all parts of the country participate. The University offers both Undergraduate and Postgraduate programmes in law.

2.5. The governance and management of the University are comprehensively provided under the Act of 1999, which establishes a detailed statutory framework comprising various authorities, including:

- The Visitor: The Chief Justice of India or his nominee who is, for the time being, a judge of the Supreme Court of India. The visitor has right to call for report on any matter pertaining to the affairs of the University.
- The Chancellor: Appointed under the Act, the Chief Justice of the Rajasthan High Court, with powers of institutional oversight.



- The General Council: The supreme governing body responsible for providing overall strategic direction to the University.
- The Executive Council: The chief executive body responsible for managing the administration and execution of University policies.
- The Academic Council: The principal academic authority responsible for regulating academic standards and curricula.
- The Finance Committee: Responsible for financial planning, budgeting, and oversight of University expenditures.
- Other Statutory Bodies and Committees as may be constituted under the Act or the Statutes.

2.6. Notably, Rule 9 of the Act of 1999 outlines the statutory powers of the Visitor and the Chancellor, stating:

"The Chancellor and the Visitor shall have the following powers, namely: (a) to give direction, take action, or do anything as required under the provisions of this Act and the Statutes."

This provision underscores the pivotal role of the Chancellor and the Visitor in ensuring compliance with statutory provisions, safeguarding the institutional autonomy of the University, and overseeing the legality of key decisions—including those involving policy shifts such as admissions and reservations.

2.7. The present challenge arises from the issuance of Notification S.O. 123 dated 26.12.2022 and the Executive Council's Resolution dated 22.01.2022, by which domicile-based reservation for students from Rajasthan was introduced in admissions to the University.



3. Mr. Siddharth Aggarwal, learned Senior Counsel, assisted by Mr. Bhavyadeep Singh and Mr. Vinay Kothari, appearing on behalf of the petitioner, submitted that the petitioner was a CLAT 2024 aspirant and presently a resident of the State of West Bengal. It was contended that the petitioner, being an eligible candidate for Admission to National Law Universities through the Common Law Admission Test (CLAT), stands adversely affected by the impugned Notification dated 26.12.2022, issued by the State of Rajasthan, and the Resolution dated 22.01.2022, passed by the Executive Council of the Respondent No.1 University.

3.1. Learned Senior Counsel submitted that the said Notification, in so far as it provides for reservation of seats in undergraduate and postgraduate law courses for candidates having domicile of the State of Rajasthan, is *ultra vires* the Constitution of India—particularly Articles 14 and 15, and also *ultra vires* the provisions of the National Law University, Jodhpur Act, 1999. He further argued that the Resolution dated 22.01.2022, by which the Executive Council implemented the said domicile-based reservation policy, lacks any statutory basis and is similarly beyond the powers conferred under the Act of 1999.

3.2. Learned Senior Counsel submitted that professional education has to have an adequate orientation to promote and create excellence in the legal field. He further draws the attention of this Court towards Section 4 of the National Law University, Jodhpur Act, 1999 (*hereinafter referred to as 'Act of 1999'*), which reads as under:



"(4)The Objects of the University.-

(1) *The objects of the University shall be to advance and disseminate learning and knowledge of law and research and with a view to ensure its proper role in national development, to develop in the student and research scholar a sense of responsibility to serve Society in the field of law by developing skills in regard to advocacy, Judicial and other legal services, Legislation, law reforms and the like, to advance the professional education and also to provide adequate orientation and training to judicial officers and others who are involved in the administration of Justice; to impart training and conduct refresher courses for law teachers, judicial officers, advocates and other persons engaged or interested in legal field; to organize lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal processes efficient instruments of social development; to hold examinations and confer degrees, diplomas, certificates and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University.*

(2) *The University shall be open to all persons of either sex irrespective of race, creed, caste, class or religion and it shall not be lawful for the University to impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate there at or to enjoy or to exercise any privilege thereof."*

3.2.1. Learned Senior Counsel has also drawn the attention of this Court towards the un-amended Statute 12 of the Schedule to the Act of 1999, which deals with the reservation of posts and seats and that it speaks of reservation for the students belonging to the scheduled castes & scheduled tribes and not for domicile; the said provision reads as under:

"12. Reservation of posts and seats.- *The Executive Council may be regulation provide for reservation in the admission to undergraduate and post graduate students in the University exempting super specialty courses, such number of seats for schedule casts and schedule tribes students as may be provided in the Regulation.*



Provided that the University may enroll applicants from such categories in a year but not qualifying for admission in that year into a "one year" preparatory course at the end of which they may be admitted into the regular course next year in pursuance of the regulation provided for the purpose."

3. Learned Senior Counsel further submitted that providing domicile-based reservation is in contravention of the purpose and objects with which the University was established. The un-amended Statute 12 provided under the Schedule of the Act of 1999 is reflective of the fact that it was never the intention to provide any such kind of reservation, as the intention of the policy makers was to establish a University with highest standards of excellence. Thus, the impugned resolution dated 22.01.2022 and impugned notification will cause irreparable damage and would alter the very nature and character of the University.

3.4. Learned Senior Counsel has further drawn the attention of this Court to the Agenda of First Combined Meeting of the General Council, Executive Council and Academic Council of the National Law University, Jodhpur, particularly Agenda Item No.7 thereof, where though the reservation is provided, but no domicile reservation is provided. The said Agenda Item No.7 reads as under:

"Agenda Item No.7: Admission Schedule

As per Section 16(2), the Vice-chancellor has made the First Ordinance regarding courses of study, admission procedure, fees etc. with the approval of the State Govt.



In compliance of the same we have started supplying prospectus and application forms. The last date for filing filled in application forms is May 15, 2001. National Entrance Test will be held on June 3, 3001. Admissions will be strictly merit based. The admissions shall be closed by July 14, 2001.

Statute 12(1) reads that the Executive Council may be regulation provide for the reservation of seats for the students of Rajasthan State belonging to S.C. and S.T. and Other Backward Classes. We have reserved 15% seats for students belonging to S.C. and 7.5% seats for students belonging to S.T.

Statute 15(e) provides power to Academic Council to appoint committees for admission to the University.

Matter is submitted before the Council for decision."

3.4.1. Learned Senior Counsel has also drawn the attention of this Court to the proceedings of XXIII Meeting of the Academic Council of the National Law University, Jodhpur, whereby it was resolved to constitute a Committee under the Chairmanship of Hon'ble Ms. Justice Manju Goel, Former Judge, Delhi High Court; with Prof. K. Elumalai and Prof. S.K. Kaushik and other Members to look into the issue threadbare and give their appropriate recommendations.

3.4.2. Learned Senior Counsel has thereafter drawn the attention of this Court to the report submitted by the aforesaid Committee for providing opinion and advice regarding feasibility and desirability of 25% reservation in admission for Rajasthan State domicile students. The concluding part of the Committee Report reads as follows:

"45. The above analysis of facts clearly indicates that the RSDS are as meritorious, if not more, compared to the



students of the rest of the country. Reserving seats in NLUJ for RSDS is against the very concept of Affirmative action which is required to provide substantive equality to the weaker sections or for the underrepresented. Accordingly, State reservation on the ground of backwardness cannot be justified. Rajasthani students are neither weaker nor underrepresented so as to justify any positive discrimination in their favour.

46. The other ground for state reservations, namely, the interest of the state is also not attracted here. As mentioned earlier, the law colleges in Rajasthan provide more than 6000 seats for the study of LL.B. 15 of the law colleges are government-run which can be expected to be fully equipped with all facilities including adequate and qualified teaching faculty. It is not the case of the government of Rajasthan that the number of law graduates qualifying from the various law colleges in Rajasthan is not sufficient to meet the requirement of the Rajasthan Bar and Bench.

47. Suggestion 1 : The Committee, therefore, strongly feels that the RSDS do not need any reservation to get into NLUJ in even larger numbers.

48. Suggestion 2: The steps taken by Maharashtra, Karnataka and Tamil Nadu to enhance the opportunities for their own students are laudable. The government of Rajasthan may well follow their example and set up more NLUs or State Law Universities instead of looking for State reservation in NLUJ. This is more so because as pointed out below state quota may have serious financial consequences for NLUJ.

49. Suggestion 3: Alternatively, the State may set up colleges affiliated to NLUJ in which case the faculty of NLUJ may be taken as visiting faculty in those affiliated colleges. This will give exposure to a greater number of Rajasthani students to the teaching-learning pedagogy followed in NLU Jodhpur without compromising on the standards of NLU Jodhpur.

50. Suggestion 4: The Committee, however, suggests that in the unlikely event of number of the RSDS



qualifying for NLUJ (of all categories taken together) fall below 25%, NLUJ may at the time of allotment of seats provide another kind of Affirmative action by granting 5 extra points (or marks) to them. In this manner, NLUJ will admit more students from Rajasthan without compromising on merit or the valued diversity. This, the Committee reiterates, is not the reservation of 25% seats, yet, ensures adequate representation for RSDS. For the sake of clarity, the Committee wants to emphasize that if even after giving 5 extra marks to the Rajasthani students, the total seats filled by them remain less than 25% they shall not be entitled to any further relaxation. The criteria to identify RSDS will have to be worked out by the University.

51. Suggestion 5: The NLUD has recently provided a 50% quota to the students from Delhi. However, that institute has kept the number of admissions on merit the same as before by increasing the total number of seats by 50%. If NLUJ must increase the seats by 25% and yet do not reduce the number of open seats going on merit, it also has to increase the number of total seats. This, however, has serious financial consequences. NLUD has been able to enhance the number of seats as the government of Delhi is financing the building of infrastructure including high rise buildings for classrooms and residence etc. The Committee is told that, in case, the number of students has to increase, NLUJ will need to raise new buildings for classrooms as well as for hostels as the present infrastructure is hardly sufficient to meet the current need. The classrooms, particularly, cannot accommodate any further students. NLUJ does not receive any grant from the government of Rajasthan. The running cost is met entirely by the University from its own sources which are, primarily, from the tuition fees received from the students.

52. NLUJ may grant 25% state reservation without reducing the existing number of All India Open Seats available for admission on merit subject to creating additional infrastructure, additional staff, and faculty.



Whether NLUJ can raise such infrastructure will depend on the willingness of the present and future students to bear the additional load of the cost of infrastructure and facilities required to accommodate 25% more students. It is for the University to work out the cost of the additional infrastructure and the per capita increase in the tuition fee before it embarks upon granting reservation as demand by the government of Rajasthan.

53. As stated in para 50, the University, in that case, has to settle the criteria for identifying the RSDS. We are also of the opinion that the qualifying marks should not be reduced to fill such quota and the issue of how to fill the unfilled reserved seats of this category will be determined by the University.

Conclusion

54. At the cost of repetition, this Committee has to reiterate that the National Law University, Jodhpur Act, 1999 does not postulate any reservation other than for Scs/Sts and does not enable the government to introduce any scheme of the reservation into NLUJ. The provisions of the Act being what they are, only suggestions 1, 2, 3 and 4 can be considered.”

3.4.3. Learned Senior Counsel has also drawn the attention of this Court towards Agenda No.11 of 25th Meeting of the Academic Council of the University, whereby the Committee Report was considered in the following manner:

11	To report constitution of Hon’ble Ms. Justice (Retd.) Manju Goel Committee to submit it’s report regarding feasibility and desirability for implementation of the 25% seats reservation for Rajasthan State domicile students for National Law University, Jodhpur.	Hon’ble Ms. Justice Manju Goel mentioned that draft-report was almost final for submission. However, due to recent development regarding reservation in NLU, Delhi and NLSIU, Bangalore, the Committee is required to make appropriate modifications in this regard. Further, she mentioned that there are some other factors such as increase in total number of seats required for implementation of reservation policy, finances
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required to cater the increase seats and to provide infrastructural facilities in this regard are also required to be taken care. She mentioned that before taking a policy decision in this regard, there are some differences amongst the other Law Schools and NLU, Jodhpur.

Shri Suresh Shrimali mentioned that one year have already completed the matter should be decided as there is expectation among all the concerned.

Hon'ble Ms. Justice Manju Goel recognized but clarified that such decision should not be taken superficially and all the technical and practical aspect should be considered so that there should not be any lacuna while implementation of he same. She mentioned that as per the data provided by the University, around 47 students of Rajasthan domicile are taking admission in NLU, Jodhpur. Further, the students from Rajasthan are also taking admission in all other Law Schools of India which is an appreciable fact. Further, the national character of this University should not be compromised also.

Prof. K. Elumalia mentioned that since around 47 students are already taking admission in the University, additional 25 students will exceed the guidelines set by the Hon'ble Supreme Court for maximum reservation.

Prof. S.K. Kaushik mentioned that in the light of the agenda item proposal regarding establishment of a separate NLU, Jodhpur branch at Jaipur may be considered in this regard. NLIU Bhopal, DSNLU and three NLUs in Maharashtra are precedents for the same. Required reservation may e provided in them.

Shri Suresh Shrimali mentioned that with all



	concern discussed decision regarding grant of state domicile reservation should be taken soon and Hon'ble Members of the Committee may be requested to submit the report as soon as possible and meeting of Academic Council may be called again accordingly. It was resolved that as soon as the report is submitted by the Committee, matter may be placed before the house for decision. Meanwhile, requirement of infrastructural, faculty and finances may be calculated for submission of proposal to State Government.
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3.4.4. Learned Senior Counsel has also drawn the attention of this Court towards Agenda No.15 of proceedings of XXXIII (Virtual) Meeting of the Executive Council, which reads as follows:

15	To discuss report of Hon'ble Ms. Justice (Retd.) Manju Goel Committee regarding feasibility and desirability for implementation of the 25% seats reservation for Rajasthan State domicile students in National Law University, Jodhpur. and` To consider various letters issued by the State Government to implement reservation in admission for domicile students as well as for the other Backward Classes in UG/PG Courses.	The report was not discussed as Shri S.C. Shrimali rejected it. Hon'ble Vice Chancellor brought to the notice of the Members, a representation filed by the students/Alumni of the University. She also pointed out that to implement the reservation policy, University would need additional infrastructure for class-rooms / hostels and requested the State Government for providing financial assistance in this regard. Hon'ble Mr. Justice Sandeep Mehta considered this request and keeping in view future requirements, suggested the authorities of State for allotment of additional land to the University, apart from providing funds for infrastructural requirement. He further opined that SC, ST and OBC category reservation is vertical and State domicile
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	reservation is horizontal. With regard to OBC reservation, it was pointed out that 21% reservation is provided for OBC category candidates and 5% reservation is provided for MBC category candidates. The proposal for 25% horizontal domicile reservation and 21% + 5% OBC reservation was approved.
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3.4.5. Learned Senior Counsel further submitted that at the inception of the University and in the initial phase of the University, providing domicile-based reservation was never intended. Infact, in the First Combined Meeting of the General Council, Executive Council and Academic Council of the National Law University, Jodhpur, the decision of not granting domicile-based reservation was arrived at. Subsequently, in the XXIII Meeting of the Academic Council, a committee was formed to analyze the feasibility and desirability of 25% of domicile-reservation and give recommendations. The report of the Committee came to the conclusion that an institute of such eminence does not need domicile-based reservation and suggested alternative ways to promote the interest of rajasthani students. The Academic Council of the University upon presentation of the aforementioned report suggested to send the same to the State Government for consideration. However, the said report was not given due credence, and thereafter, in the 25th Meeting of the Academic Council of the University, on the Agenda of domicile-based reservation, it was decided that the decision should be taken at the earliest, but at the same time,



as the matter is policy-based, all factors regarding the same should be considered thoroughly. However, in the XXXIII (Virtual) Meeting of the Executive Council the decision to grant domicile based reservation was arrived at as stated above.

5. Learned Senior Counsel further submitted that in order to fulfill the aforementioned objectives of the University, certain authorities have been established, which have been mentioned under Section 10 of the Act of 1999. The same is reproduced hereunder:

"10. Authorities of the University.- The following shall be the authorities of the University, namely:-

1. the General Council;
2. the Executive Council;
3. the Academic Council;
4. the Finance Committee; and
5. such other authorities as may be prescribed by the Regulations."

3.5.1 Learned Senior Counsel has further drawn this Courts attention to Section 17 of the Act of 1999 which provides that without prior concurrence of the Academic Council, the Executive Council shall not make any amendment with regard to the issue of mode of enrollment or admission of students. Section 17 of the Act of 1999 is reproduced as under:

"17. Regulations.-

(1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the University:



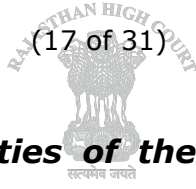
Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed is considered by the Executive Council:

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters, namely:-

- (a) the constitution, powers and duties of the Academic Council;*
- (b) the persons responsible for organizing teaching in connection with the courses of study and related academic programmes;*
- (c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;*
- (d) the establishment and abolition of faculties, departments, hall and institution;*
- (e) the institution of fellowships, scholarships, studentship, medals and prizes;*
- (f) conditions and modes of appointment of examiners or conduct of or standard of examinations or any other course of study;*
- (g) mode of enrollment or admission of students;***
and
- (h) examinations to be recognized as equivalent to University examinations.*

(2) The Academic Council shall have the power to propose regulations on all the matters specified in (a) to (h) above and matter incidental and related thereto."

3.5.2. Learned Senior Counsel has further drawn the attention of this Court to Statute 15 of the Schedule to the Act of 1999, which provides for the powers and duties of the Academic Council and the same has been reproduced hereunder:

**"15. Powers and duties of the Academic Council.-**

Subject to the provisions of this Act and regulations, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:-

- (a) to report on any matter referred or delegated to it by the General Council or the Executive Council;*
- (b) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the University;*
- (c) to promote research within the University and to require from time to time, reports on such research;*
- (d) to consider proposals submitted by the faculties;*
- (e) to appoint committees for admission to the University;*
- (f) to recognize diplomas and degrees and other Universities and institution and to determine their equivalence in relation to the diplomas and degrees of the University;*
- (g) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowship, scholarships and other prizes, and to award the same;*
- (h) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;*
- (i) to make arrangements for the conduct of examinations and to fix dates for holding them;*
- (j) to declare result of the various examinations, or to appoint committees or officers to do so and to make recommendations regarding the conferment or grant of degrees, honors, diplomas, titles and marks of honor;*
- (k) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;*
- (l) to publish lists of prescribed or recommended text-books and to publish syllabus or the prescribed courses of study;*





(m) to prepare such forms and registers as are, from time to time prescribed by regulations; and
(n) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations."

5.3. Learned Senior Counsel further submitted that as per the above-mentioned provision, i.e., Section 17 and the Statute-15, the power to make alteration to the mode of enrollment in the University can be done only by the Academic Council and thus, impugned resolution dated 22.01.2022 and the impugned notification, whereby the reservation of seats in under-graduate and post-graduate courses for domicile for state of Rajasthan is introduced, has been passed by-passing the actual competent authority, hence, it deserves to be quashed and set aside.

3.6. Learned Senior Counsel further submitted that the analogy of 'Statutes' contained in the Schedule, requirements provided under the various provisions of the Act of 1999, subsequent ordinances, and decisions of the various meetings shows that the University does not require domicile reservation, and providing any such reservation is contrary to law.

3.7. Learned Senior Counsel also submitted that the impugned notification is *ultra vires* Article 14 of the Constitution of India, as the impugned notification has created a classification on the basis of domicile but fails the test of reasonability settled by the Hon'ble Apex Court.

3.7.1. Learned Senior Counsel further submitted that providing domicile based reservation will take away the very purpose for



which an all-India based entrance test, i.e., CLAT, is conducted. It was contended that the said examination is conducted to provide a level playing field to all the aspirants irrespective of their region, and the constitutionally valid reservation are already granted to these aspirant, and thus the domicile based reservation will strip away the equality of opportunity and level playing field of the students desirous of studying in a National Law University.

3.7.2. Learned Senior Counsel further submitted that a classification on the basis of residence, i.e., domicile-based reservation, in education institutions should not be based on some broad generalization, artificial differentiation and irrelevant assumptions. It was contended that studies and surveys should have been conducted so as to determine whether such reservation is at all needed. The Learned Senior Counsel brought to the notice of this Court, the report dated 06.03.2020, prepared by the Committee chaired by Hon'ble Justice Manju Goel (Retd), whereby it was concluded that neither the Act of 1999 posulates for domicile based reservation, nor is there any requirement of introducing domicile based reservation, and the said conclusion was arrived at on the basis of data and detailed analysis on the following heads :-

1. No. of students of Rajasthan in the University and at other NLUs
2. Affirmative Action and Equality
3. Genesis of the University

It was submitted that the report opined that as per the data (**Annexure P-11Colly**) the students of rajasthan are already



sufficiently represented in the NLUs, and the state of Rajasthan is not a backward state in respect of education, thus, the provision of reservation does not have a reasonable nexus with the object sought to be achieved by it. Thus, it was submitted at the said reservation is manifestly arbitrary, unreasonable, preposterous and violative of Article 14 of the Constitution of India.

8. Learned Senior Counsel further submitted that the domicile based reservation intended to be brought in through the impugned notification is vague as reservation for "domicile of state of Rajasthan", does not prescribe any policy regarding the specific class of persons for whom such reservation is intended.

3.9. Learned Senior Counsel further submitted that impugned amendment is *ultra vires* Article 15 of the Constitution of India as the reservation under undergraduate and post-graduate courses for "Domicile of State of Rajasthan" does not seek to advance the cause of "socially and educationally backward classes" as all the students of Rajasthan cannot be considered socially and educationally backward without empirical data or research. It was further submitted that the *sine qua non* for bringing a reservation policy is a prior history of discrimination against a disadvantaged section or class, which in instant case is not made evident by presenting any data or research.

3.10. Learned Senior Counsel further submitted that interference by the State Government in the administrative process of the University, including admissions is perils the spirit of functional autonomy of the University under the Act. It was contended that the directions issued by the university to



formulate a reservation policy for Rajasthan based candidates is a serious interference in the affairs of the University.

4. On the other hand, Mr. Rajendra Prasad, learned Senior Counsel & Advocate General assisted by Mr. Anirudh Singh Mehawat and Mr. Sheetanshu Sharma, appearing on behalf of the respondents, while opposing the aforesaid submissions made on behalf of the petitioner, submitted that the question of reservation was a policy matter, and thus is within the domain of state government.

4.1 Learned Senior Counsel submitted that domicile based reservation is not a new concept and almost all the National Law Universities in the country are providing reservation of seats on the basis of the domicile of the State which varies from state to state, and the list of such Universities in details is available on record as **Annexure-R/1**.

4.2. Learned Advocate General further submitted that except for the State of Rajasthan, since the domicile reservation has been provided, due to which the students of Rajasthan are suffering the lack of specialized education from the National Law University, Jodhpur. He also submitted that various representations were made to the State of Rajasthan, and thus, the proceedings were initiated for providing reservation of 25% to the domicile of the Rajasthan State in the National Law University, Jodhpur. It was submitted that in pursuance of the said representations the Committee was constituted in pursuance of the letter dated 14.03.2018, under the Chairmanship of Hon'ble Ms. Justice (Retd.) Manju Goel on 10.07.2018.



4.3. Learned Advocate General also submitted that exercising the powers conferred by Section 15 of the Act of 1999, the Hon'ble Chancellor of the University vide Notification dated 26.12.2022 amended the Statute 12 (Part of the Schedule to the Act of 1999) permitting reservation of seats in admission for the domicile of the State of Rajasthan to the extent of 25% in the Admission to Undergraduate and Postgraduate Courses in the University. Thus, the reservation in question has been provided after following the due process of law.

4.4. Learned Advocate General further submitted that the provision for State domicile reservation has been upheld by the Hon'ble Supreme Court in the case **Saurabh Chaudri Vs. Union of India, (2003) 11 SCC 146**, relevant portion whereof reads as under:

"67. This Court may therefore notice the following :

- (i) The State runs the Universities.*
- (ii) It has to spend a lot of money in imparting medical education to the students of the State.*
- (iii) Those who get admission in Post Graduate Courses are also required to be paid stipends. Reservation of some seats to a reasonable extent, thus, would not violate the equality clause.*
- (iv) The criteria for institutional preference has now come to stay. It has worked out satisfactorily in most of the States for last about two decades.*
- (v) Even those States which defied the decision of this Court in Dr. Pradeep Jain's case (supra) had realized the need for institutional preference.*
- (vi) No sufficient material has been brought on record for departing from this well-established admission criteria.*
- (vii) It goes beyond any cavil of doubt that institutional preference is based on a reasonable and identifiable classification. **It may be that while working out the***



percentage of reservation invariably some local students will have preference having regard to the fact that domicile/residence was one of the criteria for admission in MBBS Course. But together with the local students 15%, students who had competed in all India Entrance Examination would also be getting the same benefit. The percentage of students who were to get the benefit of reservation by way of institutional preference would further go down if the decision of this Court in Dr. Pradeep Jain's case (*supra*) is scrupulously followed.

(viii) Giving of such a preference is a matter of State policy which can be invalidated only in the event of being violative of Article 14 of the Constitution of India.

(ix) The students who would get the benefit of institutional preference being on identifiable ground, there is hardly any scope

(x) for manipulation.”

4.5. Learned Advocate General further submitted that the amendment of the Statute No.12, as per the powers conferred by Section 15 of the Act of 1999, is perfectly in accordance with law and no such point has been shown by the petitioner which could prejudice her.

4.6. Learned Advocate General also submitted that the National Law Universities are the peculiar platform as CLAT organizes a common examination and gives quality education to the law students, however once all the 21 Universities are providing domicile benefits and the same ought to have been extended in the State of Rajasthan, and thus, the reservation in question is in accordance with law, and thus, call for no interference.

5. After hearing learned counsel for the parties as well as perusing the record of the case alongwith the judgment cited at



the Bar, as also the examination of Sections 4, 10, 12, 15 of the Act of 1999 and the various other proceedings, which include the amendment in Statute 12 of the Act of 1999 vide amendment Notification dated 26.12.2022, finds that domicile reservation in question is in accordance with law, and that the State domicile reservation is a policy matter which is in the domain of State Government. Furthermore, The Hon'ble Apex Court in the case of **Saurabh Chaudri (supra)**, has also upheld the proposition of domicile reservation.

6. This Court also finds that the process for reservation in question was going on since the year 2018 and after complete consideration, the domicile reservation for Rajasthan students has been granted.

7. Furthermore, this Court finds that it is evident that the State of Rajasthan, being the establishing and funding authority of the University, has issued the impugned notification in exercise of its policy prerogative to promote access to legal education for students domiciled in the State. The said action is neither arbitrary nor unconstitutional per se, particularly in light of judicial precedents which have upheld domicile-based reservations in educational institutions established and maintained by a particular State.

8. This Court further finds that the Section 15 of the Act of 1999 provides that "Statutes" shall contain such instructions, directions, procedures and details laid down in accordance with the Act of 1999, and the "Statutes" mentioned hereinbefore has



been provided under the Schedule to the said Act. The said

Section 15 reads as follows:

"15. Statutes.- (1) *The Statutes of the University shall contain such instructions, directions, procedures and details as are necessary to be laid down under and in accordance with the provisions of this Act.*

(2) *The Statutes as contained in the Schedule to this Act as amended from time to time, shall be binding on all authorities, officers, teachers and employees of the University and persons connected with the University.*

(3) *Executive Council shall have all powers to make any amendments in the statutes contained in the Schedule to this Act:*

Provided that the Executive Council shall not amend Statute affecting the constitution, status or power of any authority of the University without affording to such authority a reasonable opportunity of making a representation on the proposed changes.

(4) *Any amendments to the Statutes, whether by adding, deleting or in any other manner, shall not take effect unless the Chancellor has, after consultation with the State Government, assented to it. The Chancellor may after the said consultation and on being satisfied that assent be not given, withhold assent or return the proposal for amendment to the Executive Council for re-consideration in the light of observation, if any, made by him.*

(5) *Notwithstanding anything contained in sub-section (3) or sub-section (4) the Chancellor shall have power to amend, after consultation with the State Government, whether by adding, deleting, or in any other manner, the Statutes contained in the Schedule.*

(6) *An amendment to the Statutes shall come into force on the date of its publication in the Official Gazette."*

9. Further, this Court finds that the Executive Council of the University, as the designated academic and administrative



authority under the Act of 1999, has passed the resolution in accordance with the powers conferred upon it under Section 15 read with Statute 12 of the Act. The policy in question falls within the permissible limits of institutional autonomy and does not demonstrate any violation of the constitutional rights of the petitioner.



). This Court also takes notice of the fact that a majority of National Law Universities (NLUs) established across various States in India have adopted domicile-based reservation policies. These policies are typically framed in accordance with the objectives of their respective establishing statutes, which emphasize the promotion of legal education both at the national and regional levels. A table of the extent of domicile based reservation provided by the various NLUs is produced hereunder :-

S. NO.	NLU Name	CLAT UG 2025 Domicile Reservation	CLAT PG 2025 Domicile Reservation
1	NLSIU Bengaluru	25.00%	25.00%
2	NALSAR Hyderabad	25.00%	25.00%
3	NLIU Bhopal	50.00%	50.00%
4	WBNUJS Kolkata	31% (BA LLB Hons.) 28% (BSc LLB Hons)	30.00%
5	NLU Jodhpur	30.00%	29.00%
6	HNLU Raipur	50.00%	50.00%
7	GNLU Gandhinagar	25.00%	25.00%
8	GNLU Silvassa	25.00%	25.00%
9	RMLNLU Lucknow	30.00%	Not explicitly stated (Implied category-



			specific)
10	RGNUL Patiala	10.00%	Not explicitly stated (Implied category-specific)
11	CNLU Patna	50.00%	
12	NUALS Kochi	41.00%	Not explicitly stated (Implied category-specific)
13	NLU Odisha	25.00%	25.00%
14	NUSRL Ranchi	50.00%	50.00%
15	NLUJ Assam	5 Seats	62.50%
16	DSNLU Visakhapatnam	48.00%	48.00%
17	TNNLU Trichy	50.00%	50.00%
18	MNLU Mumbai	72.00%	72.00%
19	MNLU Nagpur	62.00%	Not explicitly stated (Implied category-specific)
20	MNLU Aurangabad	72.00%	72.00%
21	HPNLU Shimla	25.00%	Not explicitly stated (Implied category-specific)
22	DNLU Jabalpur	50.00%	Not explicitly stated (Implied category-specific)
23	DBRANLU Sonapat	20.00%Not explicitly stated (Implied category-specific)	Not explicitly stated (Implied category-specific)
24	NLU Tripura	63.00%	66.00%
25	RPNLU Prayagraj	Category-specific (e.g., SC, OBC-NCL, EWS of UP)	60.00%

11. In the present case, the State of Rajasthan, through the impugned notification, has merely aligned National Law



University, Jodhpur with the normative structure followed by its sister NLUs across the country. In doing so, the State has neither acted arbitrarily nor has it breached the statutory scheme under the National Law University, Jodhpur Act, 1999.

12. The adoption of such reservation provisions reflects a consistent and evolving national policy framework, whereby states establishing and funding NLUs seek to balance the institution's national character with the need to ensure accessibility for local students. Notably, such domicile-based reservations are in consonance with the equality code under Articles 14 and 15 of the Constitution of India.

13. The principle of equality under Article 14 of the Constitution prohibits class legislation but permits reasonable classification. For a classification to be constitutionally valid, it must satisfy the twin test laid down by the Hon'ble Supreme Court in the case of ***State of West Bengal v. Anwar Ali Sarkar (1952) 1 SCC 1***:

1. Intelligible differentia: The classification must be founded on an intelligible differentia that distinguishes those included in the class from those who are left out; and
2. Rational nexus: The differentia must have a rational nexus with the object sought to be achieved by the legislation or executive policy.

14. Applying this standard to the present case, this Court finds that the classification created by the domicile-based reservation policy satisfies both limbs of the test.



15. First, the classification between candidates domiciled in Rajasthan and those from other States is based on a clear and intelligible differentia—namely, the permanent residence and socio-educational affiliation of the candidate with the State of Rajasthan.

16. Second, the object sought to be achieved by the impugned notification and resolution is to promote access to quality legal education for students belonging to the State that established, funds, and supports the University. This object is not only legitimate but also bears a direct and reasonable nexus with the reservation policy. The State, while maintaining the national character of the University through the Common Law Admission Test (CLAT), has simultaneously sought to provide equitable representation to its own students who may otherwise be underrepresented due to socio-economic or geographical disadvantages.

17. Hence, the reservation policy is a constitutionally valid exercise of the State's discretion in educational matters and does not fall foul of Article 14. The classification created is neither arbitrary nor discriminatory, but rather furthers a legitimate public purpose within the framework of the Constitution. Moreover, The petitioner, though an aspirant for admission through CLAT 2024, has not demonstrated any vested right or legitimate expectation that stands violated by the policy. The principles of equal opportunity under Article 14 of the Constitution do not bar a State-funded university from



implementing a reasonable classification in favor of its own domiciled students, especially where such classification is rooted in geographical or socio-educational considerations and is implemented through a transparent, statutory process.

}. Further support for the validity of such classification can be found in the decision of the Hon'ble Supreme Court in **Dr. Aradeep Jain v. Union of India, (1984) 3 SCC 654**, where the Court recognized the permissibility of domicile-based preferences in admissions to higher educational institutions, particularly where the institutions are established and maintained by a State. The Court observed:

"If creatively and imaginatively applied, preferential treatment based on residence in a backward region can play a significant role in reducing uneven levels of development and such preferential treatment would presumably satisfy the test of Article 14, because it would be calculated to redress the existing imbalance between different regions in the State."

19. In light of the above, this Court finds that the reservation policy introduced by the State of Rajasthan and implemented by the Respondent University does not offend Article 14 of the Constitution. The classification is reasonable, non-arbitrary, and maintains a rational nexus with the object of advancing regional educational development while retaining the overall national character of admissions through CLAT.

20. Thus in view of the above, this Court does not find any illegality in the impugned action taken by the respondents.



21. Consequently, the present writ petition is ***dismissed***. All pending applications stand disposed of.

‘CHANDRA PRAKASH SHRIMALI),J (DR.PUSHPENDRA SINGH BHATI),J

Kant/-

