

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.23730 of 2015
and M.P.No.1 of 2015

P.Suresh

... Petitioner

Vs.

1. The Principal,
Presidency College,
Chepauck, Chennai - 600 005,
2. Head of the Department,
Geography Department,
Presidency College,
Chepauck, Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to allot one M.Sc Geography seat to the petitioner for the academic year 2015-16.

For Petitioner : Ms.N.Valliamma
For Respondents : Mr.Vijayakumar for R.1 and R.2

ORDER

The petitioner completed B.Sc Geography Degree during the academic year 2006-2009 with I Class distinction. Thereafter, he has completed B.L.Degree at Dr.Ambedkar Government Law College, Chennai in the year 2013. He applied to the respondent Presidency College for M.Sc Geography. The petitioner's name was found in the list published as No.1 in the B.C community category and in the over all merit list at No.11. However, the petitioner has not been given admission. Hence, the present writ petition is filed by the petitioner.

2. The learned counsel appearing for the respondents submitted that the petitioner did not fill up the application correctly by indicating the B.L.Degree obtained by him. Secondly, as the petitioner is a qualified lawyer, he was not considered. Thirdly a communication to that effect has been sent by the Bar council of Tamil Nadu & Puducherry in this regard in R.O.C.No.2106 of 2015 dated 14.8.2015.

3. As rightly submitted by the learned counsel for the petitioner, Rule 43 of the the Rules of Bar Council of Tamilnadu and Puducherry does not prohibit a lawyer to undergo studies. It is not as if the petitioner is doing any business or any other professional activity. Merely because he is a lawyer, there is no bar in the eye of law to continue with the higher studies in a different field. A perusal of the reply dated 14.8.2015 given by the Bar council of Tamil Nadu and Puducherry to the 1st respondent is also very vague. It merely states that an advocate cannot undergo a full time course. Such a communication without the sanction of law cannot be a basis to deny the seat to the petitioner. It is not in dispute that on merit the petitioner is entitled to get a seat in M.Sc Geography in the respondent College. Merely because the petitioner has not indicated the Degree obtained in law in his application, the same cannot be a ground to refuse the admission. In other words, there is no bar in law for a candidate who obtained B.L. Degree from pursuing M.Sc (Geography) course.

4. Accordingly, the writ petition stands allowed and the respondents are directed to allot one M.Sc Geography seat to the petitioner for the academic year 2015-2016 within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

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s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Principal,
Presidency College,
Chepauck, Chennai - 600 005,
2. Head of the Department,
Geography Department,
Presidency College,
Chepauck, Chennai - 600 005.

+ 1 cc to M/s.R.Vijayakumar, Advocate 47143

+ 1 cc to M/s.N.Valliamma Adocate SR 46786

gr(co)
prk3/9

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