

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.5783 of 2015
& M.P.No.1 of 2015

D.Rukkumani

... Petitioner

vs.

1. The Assistant Registrar,
Pondicherry University,
Academic Section,
Bharat Ratna Dr.B.R. Ambedkar,
Administrative Building,
R.V.Nagar, Kalapet,
Puducherry-605 014.
 2. The Principal,
Sri Balaji Law School,
N.R.Complex, Banumathi Murugesan Nagar,
Edaiyanchavadi Road,
Karuvadikuppam, Lawspet,
Puducherry-605 008.
 3. The Registrar,
University of Madras,
Chepauk, Chennai-5.
 4. The Principal,
Thiru A.Govindasamy Govt. Arts College,
Tindivanam-604 002.
- (R3 and R4 are impleaded as per order dated
18.3.2015 by TSSJ in MP.2/2015 in
W.P.No.5783 of 2015)

... Respondents

Petition filed under Article 226 of The Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records of the first respondent dated 10.02.2015 in Ref

No.PU/AS/Aca-3/LLB(3yrs) admission 2014-2015/412, quash the same and consequently direct the 1st respondent for the recognition of the petitioner's admission in LL.B., (3 yrs) course for the academic year 2014-2015 in the 2nd respondent college.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents : Mr.V.Balamurugan for R1

Mr.R.Vijayakumar,
Additional Government Pleader for R3

No appearance for R2 & R4

ORDER

The petitioner has completed B.Sc., M.Sc., and B.Ed., respectively. Thereafter, she has joined LLB., in the academic year 2014-2015. However, the petitioner was informed that she is ineligible to be admitted in the said course for not having the requisite minimum percentage which cannot be relaxed as per the University Regulations. Challenging the same, the petitioner has come forward with this writ petition.

2. As per the Regulation of the University and as per the Bar Council of India Regulation, a candidate will have to secure not less than 45% with aggregate in all the subjects in the qualifying examination. This was also adopted by the second respondent. Clause 4 of the information brochure reads as follows:

"A pass in the Bachelor's Degree Course of any Recognised University with not less than 45% of marks in aggregate in all the subjects of the qualifying examination. (SC/ST 40%)"

3. It is seen that the petitioner has registered herself for B.Sc., Degree Mathematics during the academic year 1996-1999 under the non semester pattern. She has completed her degree in the year 2010 under the existing semester pattern. Admittedly, there is no provision under the semester pattern to treat the percentage obtained by the petitioner viz., 44.46% to 45% by rounding them. Thus, the petitioner cannot, as a matter of right, seek an admission to the Law College, particularly, in the light of the Bar Council of India Regulation. Considering the very same issue, it has been held by the Apex Court in REGISTRAR, RAJIV GANDHI UNIVERSITY OF

HEALTH SCIENCES, BANGALORE V. G. HEMLATHA AND OTHERS ((2012) 8 Supreme Court Cases, 568) in paragraphs 10 to 12, which reads as follows.

10. After considering the Orissa Rules, this court held in Rupashree Chowdhary case held that Rule 24 thereof made it clear that

"in order to qualify in the written examination a candidate has to obtain a minimum of 33% marks in each of the papers and not less than 45% marks in the aggregate in all the written papers in the main examination." (SCCp.111, para10)

This Court observed that when emphasis is given in the rule itself to the minimum marks to be obtained, there can be no relaxation or rounding-off. It was observed that no power was provided in the statute/rules permitting any such rounding-off or giving grace marks. It was clarified that: (SCCp.112, para 10)

"10.....The (Orissa) Rules are statutory in nature and no dilution or amendment to such rules is permissible or possible by adding some words to the said statutory rules for giving the benefit of rounding-off or relaxation."

11. In our opinion, the ratio of this judgment is clearly applicable to the facts of this case. The Judgment of the Full Bench of Allahabad High Court in Vani Pati Tripathi vs. Director General, Medical Education and Training and Others (AIR 2003 All 164) and judgment of the Full Bench of Punjab and Haryana High Court in Kuldip Singh, Legal Assistant, Punjab Financial Corporation vs. The State of Punjab and Others (1997) 117 PLR 1, were cited before us because they take the same view. However, in view of the authoritative pronouncement of this Court in Orissa Public Service Commission, it is not necessary for us to discuss the said decisions.

10. No provision of any statute or any rules framed thereunder has been shown to us, which permits rounding-off of eligibility criteria prescribed for the qualifying examination for admission to the PG course in M.SC (Nursing). When eligibility criteria is prescribed in a qualifying examination, it must be strictly adhered to. Any dilution or tampering with it will work injustice on other candidates. The Division

Bench of the High Court erred in holding that learned Single Judge was right in rounding-off of 54.71% to 55% so as to make respondent 1 eligible for admission to PG course. Such rounding-off is impermissible."

4. In the light of the said pronouncement and analysis of the Regulation governing the petitioner's request, this Court is unable to consider the request of the petitioner. There is no illegality in the order passed. Admittedly, the petitioner has not secured the qualifying percentage of marks. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raa

To

1. The Assistant Registrar,
Pondicherry University, Academic Section,
Bharat Ratna Dr.B.R. Ambedkar,
Administrative Building, R.V.Nagar, Kalapet,
Puducherry-605 014.
2. The Registrar, University of Madras,
Chepauk, Chennai-5.
3. The Principal,
Thiru A.Govindasamy Govt. Arts College,
Tindivanam-604 002.

+1cc to Mr.V.Balamurugan, Advocate, S.R.No.45225
+1cc to Mr.G.Mohana Krishnan, Advocate, S.R.No.45144
+1cc to Mr.R.Vijaya Kumar, Advocate, S.R.No.45361

W.P.No.5783 of 2015

GGK(CO)
CA(16/09/2015)