

**WMP.No.25638 of 2016 in**  
**W.P.No.29600 of 2016**

**T.S.Sivagnanam,J.**

Heard Mr.I.Arockia Selvaraj, learned counsel for the Writ Petitioner and Mr.L.P.Shanmugasundaram, learned Standing Counsel for the respondent.

2.The petitioner has filed the Writ Petition for issuance of a writ of mandamus to direct the respondent to admit him in the three year LL.B (Hon) Course, commencing from 2016-17, in the respondent University. The petitioner has also filed a Writ Miscellaneous Petition for interim direction to secure admission.

3.It is pointed out by the learned counsel for the petitioner that the Hon'ble Division Bench of the Mudurai Bench in an interim order dated 18.08.2016, W.P.(MD) No.15308 of 2016 & WMP(MD) No.11283 of 2016, considered the similar issue, pertaining to another candidate who has also completed 10+2 course as a private candidate and has issued interim direction to admit the said candidate and has directed the Writ Petition to be posted after eight weeks. The said order reads as follows:

"The Bar Council of India has framed Rules of Legal Education. Rule 5 dealt with the eligibility criteria for admission to Three Year Law Degree Course. As per this Rule, an applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature, may apply for admission to Three Year Law Degree Course. Under the proviso to the said Rule 5, it was made clear that the applicants who obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method, shall also be considered as eligible for admission. The Explanation, however, framed thereunder, has set out that the applicants who have obtained 10+2 or graduation/ post graduation through Open University System directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses. Thus, such of those who have obtained 10+2 or graduation or post graduation through Open University system without having any basic qualification for prosecuting such studies alone are not eligible for seeking admission to law courses.

2.In the instant case, the writ petitioner has prosecuted XI and XII Standards in the State Board syllabus of Tamil Nadu Government by studying the said courses during the academic years 2008 – 2010 from Holy Cross Girls Higher Secondary School, Theppakulam, Tiruchirappalli. In fact, she was granted Registration No.486141 for appearing for the Higher Secondary Examination during March/April 2010. Thus, it is beyond any pale of doubt that the writ petitioner has prosecuted her +2 Course by way of regular study.

3.Insofar as the Degree Course is concerned, the writ petitioner has completed B.Sc., Degree Course by April 2016, by studying at Periyar E.V.R. Colloge (Autonomous), Tiruchirappalli, which is affiliated to Bharathidasan University.

4.In these set of circumstances, we are satisfied that the writ petitioner satisfies the eligibility criteria for securing admission to Three Year Law Degree Course, notwithstanding the fact that she has appeared for X Standard by private study.

5.Hence, the first respondent is directed to immediately consider the case of the writ petitioner for admission to Three Year Law Degree Course and grant her admission, in case, the marks secured by her with reference to the cut-off marks for such admission, provided that writ petitioner has secured an equivalent or higher cut-off marks than that of it.

6.Notice to the respondents returnable in eight weeks. List the matter after eight weeks."

4.The learned Standing Counsel appearing for the respondent University would contend that the prayer sought for in the Writ Petition cannot be granted, as a similar prayer was rejected by the Hon'ble Division Bench of this Court in the case of ***S.R.Deepak V. The Tamil Nadu Dr.Ambedkar Law University [W.A.No.1632 of 2015, dated 02.02.2016]***.

5.It is pointed by the learned counsel for the petitioner that the Hon'ble Division Bench of the Madurai Bench in the recent interim order, has considered the similar matter elaborately and issued interim directions. Therefore, without prejudice to the rights of the University, the petitioner may be directed to be admitted to the Course, subject to the outcome of the Writ Petition.

6.Considering the submissions on either side, if ultimately the petitioner succeeds in the Writ Petition and if the petitioner has not admitted to the course in the interregnum, he would be unable to pursue the course at that point of time nor take the examination. Therefore, the Court is of the view that balance of convenience for grant of interim order is in favour of the writ petitioner.

7.Accordingly, following the directions issued by the Hon'ble Division Bench in W.P.(MD) No.15308 of 2016, referred supra, the respondent University is directed to immediately consider the case of the writ petitioner for admission in the three year LL.B (Hon) Course, commencing from 2016-17, and grant admission, in case the marks secured by him with reference to the cut off marks for admission fetch him such admission.

8.It is made clear that the interim direction is issued without prejudice to the rights of the parties and in the event the petitioner is not successful in the Writ Petition, he would not be entitled to claim any equity based on the interim directions issued.

The Miscellaneous Petition is disposed of accordingly.

**01.09.2016**

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**Note:**Issue order copy 02.09.2016

**T.S.SIVAGNANAM, J.**  
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