

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

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THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

Review Application(Writ) No.2 of 2016
in
W.P.No.29477 of 2015
& Cont.P.No.2774 of 2015

Review Application No.2 of 2016

1.The Tahsildar,
Taluk Office,
Chief Secretariat,
Pondicherry-605 001.

2.The Principal,
Dr. Ambedkar Government Law College,
Mathur Road, Kalapet,
Puducherry-605 014.

..Petitioners

Vs

R.Tamil Oli (Minor)
Rep. by her mother and
next friend R.Uma

.. Respondent

Cont.P.No.2774 of 2015

R.Tamil Oli (Minor) 17 years old
Rep. by her next friend R.Uma,
No.19, Vallalar Street, Bless Nagar,
Keezaligipet, Reddychavai,
Cuddalore-607 403.

.. Petitioner

Vs.

A.Vincent Arputhom,
The Principal,
Dr. Ambethkar Government Law College,
Mathur Road, Kalapet,
Puducherry-605 014.

.. Respondent

Review Application is filed under Order 47 Rule 1 read with Section 114 CPC., to review the order passed in W.P.No.29477 of 2015 dated 06.10.2015 passed by this Court.

Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 70/71 to punish the respondent for wilful and deliberate disobedience of the common order passed in W.P.No.29477 of 2015 dated 06.10.2015.

For Petitioners : Mr.M.Govindarajan,
in Rev. Appln. and Government Pleader (P) for
respondent in Mr.A.Tamilvanan,
cont. petition. Government Advocate

For respondent in : Dr.R.Ramalingam
Rev. Appln. and
petitioner in
cont. Petition.

COMMON ORDER

Alleging that the order passed by this Court dated 06.10.2015 in W.P.No.29477 of 2015 has been violated, the contempt application in Cont.P.No.2774 of 2015 has been filed. Seeking to review the said order, review application in Rev. Aplw. No.2 of 2016 has been filed.

2. For the sake of convenience the parties are referred to as arrayed in the writ petition.

3. The learned Government Pleader appearing for the respondents/review applicants submitted that there are two disqualifications the petitioner is facing. The petitioner has applied for admission into B.A.LL.B., course under the non-resident quota under the MBC category, the marks scored would not bring her under the zone of consideration. The second submission is that the petitioner did not study for a continuous period of five years in the recognised Educational Institution in the Union Territory of Pondicherry.

4. A further submission is made by the learned Government Pleader that the first semester is over and the second semester is in the stage of completion, leaving only 30 more days to go.

5. The learned counsel appearing for the petitioner submitted that as per the order passed in W.P.No.22306 of 2015 dated 27.07.2015, the contention that the petitioner has not studied in a recognised institution for a period of five years cannot be accepted. Admittedly, the petitioner studied for a period of five years in the Union Territory of Pondicherry.

6. Coming to the review application filed, this Court is not inclined to allow the same. The fact that the petitioner has studied continuously for five years is not in dispute. It is not, as if, the qualification possessed by the petitioner is not an acceptable one. There is no material to hold that the private institution, in which, the petitioner studied for one year is not a recognised Educational Institution. A perusal of the order dated 27.07.2015 in W.P.No.22306 of 2015 would also show that the petitioner has studied in the Institution located in the Union Territory of Pondicherry and the certificate to that effect has also been issued. Mere fact that the petitioner has applied under the non-resident quota, *per se* cannot be a ground to dis-entitle her to get the seat. Objection has not been raised on the earlier occasion. Now it is the petitioner, who had suffered by losing one year.

7. Considering the above and taking note of the scope of review application, this Court is inclined to dismiss the same and accordingly, the same is dismissed. Consequently, the contempt application is also closed.

8. However, one more difficulty would arise for the petitioner. In the interregnum, the first semester is over and the second semester

is about to be completed. This Court cannot condone the lack of attendance, especially, when the petitioner is yet to get admitted till now. Hence, considering the peculiar facts of the case, a direction is issued to the respondents/review petitioners as well as the Centralised Admission Committee (CENTAC) to provide admission to the petitioner for the academic year 2016-2017 in any one of the Government colleges under the resident quota. No costs.

04.03.2016

Index:Yes/No

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- 2.The Principal,
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M.M.SUNDRESH.,J.

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**Rev.Appln. No.2 of 2016
in W.P.No.29477 of 2015
& Cont. P.No.2774 of 2015**

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