

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition Nos.34630, 34220, 32799 and 33108 of 2016
and Writ Appeal No.1194 of 2016
and WMP No.29836 of 2016 in WP.No.34630 of 2016
WMP No.29526 of 2016 in WP No.34220 of 2016
WMP No.28358 of 2016 in WP No.32799 of 2016
WMP No.28591 of 2016 in WP No.33108 of 2016
and CMP Nos.15317 & 16710 of 2016 in WA No.1194 of 2016

W.P.No.34630 of 2016

S.Theerthagiri ... Petitioner

Vs.

1. The Director of School Education,
College Road,
Chennai - 600 006.

2. The Controller of Examinations,
Department of Examinations,
College Road,
Chennai - 600 009.

3. The Dr.Ambedkar Law University,
Rep. By its Registrar,
Greenways Road,
Chennai - 600 028.

4. The Secretary,
Admissions to Law Courses,
Dr.Ambedkar Law University,
Greenways Road, Chennai - 600 028

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, directing the respondents 3 and 4 to admit the petitioner in the L.L.B., 5 Years Law Course for the academic year 2016 -17 based on merits.

For Petitioner : Mr.M.R.Jyothimanian
for M/s.K.Balu

For Respondents : Mr.P.Karthikeyan (for R1 & R2)
Government Advocate
Mr.L.P.Shanmugasundaram (for R3 & R4)
Spl. Government Pleader

W.P.No.34220 of 2016

T.V.Venkatesan
Rep.by his father and Natural Gardian
V. Vediappan

... Petitioner

Vs.

1. The Director of School Education,
College Road,
Chennai - 600 006.
2. The Controller of Examinations,
Department of Examinations,
College Road,
Chennai - 600 006.
3. The Dr.Ambedkar Law University,
Rep. By its Registrar,
Greenways Road,
Chennai - 600 028.
4. The Secretary,
Admissions to Law Courses,
Dr.Ambedkar Law University,
Greenways Road,
Chennai - 600 028

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, direct the respondents 3 and 4 to admit the petitioner son viz. T.V.Venkatesan to the L.L.B., 5 years Law Course for the Academic Year 2016-17 based on his marks.

For Petitioner : Mr.M.R.Jyothimanian
for M/s.K.Balu

For Respondents : Mr.M.Nallathambi (for R1)
Mr.S.R.Raghunathan (for R2)
Mr.R.Singaravelan, Sr. Counsel
for Ms.M.Srividya (for R3)

W.P.No.32799 of 2016

R.Pramila

... Petitioner

Vs.

1. The Tamilnadu Dr.Ambedkar Law University,
Poompozhi,
No.5, Dr.DGS Thinakaran Salai,
Raja Annamalaipuram, Chennai - 600 028,
Rep. By its Chancellor.

2. The Chairman,
3 Years LLB Admission 2016-2017,
Tamilnadu Dr.Ambedkar Law University,
Poompozhi, No.5, Dr.DGS Thinakaran Salai,
Raja Annamalaipuram,
Chennai - 600 028.

3. The Bar Council of Tamilnadu & Puducherry,
High Court Buildings,
Chennai - 600 104,
Rep. By its Chairman.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, directing the respondents to select and admit the petitioner to 3 year Law Degree course for the year 2016-2017 based on the merit in the selection, by considering the petitioner as satisfied 10+2+3 stream of education in compliance to the condition of Prospectus issued by the respondent University in May 2016

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.L.P.Shanmugasundaram (for R1 & R2)
Spl. Government Pleader
Mr.R.Singaravelan, Sr. Counsel
for Ms.M.Srividya (for R3)

W.P.No.33108 of 2016

S.Kameswaran

... Petitioner

Vs.

The Chairman,
Law Admissions 2016-2017,
The Tamilnadu Dr.Ambedkar Law University,
Poompozhi, No.5, Dr.DGS Thinakaran Salai,
Chennai - 600 028.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, directing the respondent to allow the petitioner to join and complete the three years LLB Degree Course.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.L.P.Shanmugasundaram
Spl. Government Pleader

W.A.No.1194 of 2016
R.Indirajith

... Appellant

Vs.

1. The Chairman,
Law Admissions 2016-2017,
The Tamilnadu Dr.Ambedkar Law University,
Poompozhi, No.5, Dr.DGS Dhinakaran Salai,
Chennai - 600 028.
2. The Secretary
Bar Council of India,
21, Ronse Avenue,
Institutional Area,
New Delhi - 110002
3. The Secretary
Bar Council of Tamil Nadu
Bar Council Building
High Court Campus, Chennai 104

... Respondents

Writ Appeal against the order made in W.P.No.31739 of 2016 dated 12.09.2016. filed under Article 226 of the constitution of India records relating to the order of the respondent dated 29.08.2016 as published in the web site stating the facts as SSLC/HSC Private to quash the same and to consequently direct the respondent to allow the petitioner to join and complete the three years LLB, Degree course.

For Appellant : Mr.L.Chandrakumar

For Respondents : Mr.M.Nallathambi (for R1)
Mr.S.R.Raghunathan (for R2)
Mr.R.Singaravelan, Sr. Counsel
for Ms.M.Srividya (for R3)

C O M M O N O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

As the facts pleaded and the submission made in all the writ petitions and the writ appeal, is one and the same, they are taken up together and disposed of by a common order.

2. Petitioner in W.P.No.34630 of 2016, has studied upto 10th standard at Kaveripattinam Boys Higher Secondary School, Uuthankarai and thereafter in the middle of 10th standard, due to some difficulties, discontinued and privately appeared for 10th Standard Board examination in March 2014. He later completed his 12th standard through regular schooling and passed in good academic records. Now he is seeking for admission to 5 years Law Course (L.L.B.,) and is under objection by the University. Same is the case of the petitioner in W.P.No.34220 of 2016.

3. Petitioner in W.P.No.*32799 of 2016, suffered a fracture in the middle of 10th standard and was on long leave. Hence, discontinued from school and taken the 10th examination in private and got through and after that completed +2 in the regular school and thereafter, joined 3 year regular course (B.A. Criminology and Police Administration) in JHA Agarsan College, Madhavaram and now she is seeking for admission to three years law course.

4. Petitioner in W.P.No.33108 of 2016, has studied upto 10th standard in regular schooling and thereafter, due to health problem, he continued his studies privately and took the Higher Secondary Course examination and came out successful during March 2011. He later completed B.Sc. Degree in Hotel & Catering Management from SRM Institute of Hotel Management. Now he is seeking for admission to three years law course.

5. Appellant in W.A.No.1194 of 2016, has studied upto 9th standard in regular school. Since, he got less mark, he was not allowed to continue the 10th standard in the said school and thus, he appeared privately and passed in SSLC Board examination. After that, he completed +2 in the regular school and also obtained a UG Degree in regular college. But, as the appellant has taken the 10th standard examination privately, the respondent college/univeristy, did not permit him to join the three years law course. Hence, he filed W.P.No.31739 of 2016, and the same as dismissed on 12.09.2016. Against the dismissal, the present writ appeal is filed.

6. Heard the learned counsel for the petitioners and the learned counsel representing the Bar Council of India, Bar Council for the State and the Tamilnadu Dr. Ambedkar Law University.

7. The Bar Council of India has framed Rules of Legal Education. Rule 5 deals with the eligibility criteria for admission to Five Years and Three Years Law Degree Course and the said Rule is extracted hereunder.

5. Eligibility for Admission - [a] Three Year Law Degree Course : An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognised as a Deemed to be University or foreign University recognised as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of L.L.B., degree on successful completion of the regular program conducted by a University whose degree in law is recognised by the Bar Council of India for the purpose of enrolment.

[b] Integrated Degree Program: An applicant who has successfully completed Senior Secondary School course ['+2'] or equivalent [such as 11+1, 'A' level in Senior School Leaving Certificate course] from a recognised University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognised by the Union or by a State Government or from any equivalent institution from a foreign country recognised by the Government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognised by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have 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 in the Integrated Five Years course or three years' L.L.B. course, as the case may be.

Explanation -The applicants who have obtained 10 +2 or graduation/post graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses. "

8. So far as the Rule pertaining to the admission of the Five Years law course is concerned, the eligibility is 10+2. Having prosecuted the studies from 1st to 10th standard and then +2 are eligible to be admitted for the 5 years course, subject to age limitation. In so far as three years law course is concerned, one should have completed 10+2+3.

9. In the case on hand, in so far as the petitioners in W.P.Nos.*32799 and 33108 of 2016 and W.A.No.1194 of 2016, are concerned, they have completed 1st to 10th standard in regular schooling, but due to some unavoidable circumstances they have taken up the 10th standard Board examination privately. Further, the petitioners have also taken plus 2 schooling. It is not as if the candidates have obtained a straightaway 10th pass, but they have prosecuted upto 9th standard and also having studied in the 10th standard as well, but have appeared in the examination in the private and the requisite of 10+2 is very much satisfied. Added further, all the three candidates have done their UG degree in a regular stream.

10. Proviso to Rule 5 of The Bar Council of India Rules, states that applicants who have 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 in the Integrated Five Years course or three years' L.L.B. course, as the case may be. Therefore, they do not suffer from any disqualification. Further, on a reading of the Rule, and overall analysis of the pleadings and submissions, we do not find any technical reasons to be interpreted to dissuade the petitioners from seeking admission to the three years law course for the factual circumstances, which is noted above.

11. In so far as the petitioners in W.P.Nos.34630 and 34220 of 2016, are concerned, they have done their schooling upto 10th standard and due to unavoidable circumstances, taken the SSLC Board examination privately. Later, they have done their +2, through regular schooling. Upto 9th standard they have attended the school and only for final year, they have appeared for the examinations privately. Further it is noted that the candidates have obtained Higher Secondary Course pass certificate (+2) through regular schooling.

12. Such being the case, it is for the respondent university to approve the admission of these candidates at the earliest and get them admitted, if they are found otherwise eligible.

13. It appears that by virtue of the interim orders dated 23.09.2016 made in W.A.No.1194 of 2016 and 29.09.2016 made in these writ petitions, the candidates/petitioners have been admitted and also it is very much noted that the persons have completed 10+2+3 and shown to have been considered, such being the case, we are of the view that the candidates do not suffer from any disqualification to prosecute their studies viz., five years integrated law course or three years law course, as the case may be and they may be permitted to prosecute their studies.

14. With the above direction, all the Writ Petitions and the writ appeal are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS VI)

DATED : 04.11.2016

***Amended vide Order dated**

21.11.2016 and made herein

Sd/- Assistant Registrar (CS IV)

Dated : 29.12.2016

//True Copy//

Sub Assistant Registrar

To

1. The Director of School Education,
College Road,
Chennai - 600 006.

2. The Controller of Examinations,
Department of Examinations,
College Road,
Chennai - 600 009.

3. The Dr. Ambedkar Law University,
Rep. By its Registrar,
Greenways Road,
Chennai - 600 028.

4. The Secretary,
Admissions to Law Courses,
Dr. Ambedkar Law University,
Greenways Road,
Chennai - 600 028

To be Substituted to the

Order already despatched

on 12.11.2016

5. The Secretary
Bar Council of India,
21, Ronse Avenue,
Institutional Area,
New Delhi - 110002

6. The Secretary
Bar Council of Tamil Nadu
Bar Council Building
High Court Campus, Chennai 104

+2cc to Mr. K. Balu and M.R. Elavarasan, Advocate, S.R.No.60214 and 60213

+4cc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.60297,60295,60294 and 60293

+1cc to the Government Pleader, S.R.No. 60587

+1CC to M/s. N. Paul Noble Devakumar, Advocate Sr.No.32799

+2 CC to M/s. L. Chandrakumar, Advocate Sr.No.60100

+1 CC to Mr. S.R. Raghunathan, Advocate Sr.No.60311

+1 CC to Mr. G. Nalla Thambi, Advocate Sr.No.60278

W.P.Nos.34630, 34220, 32799

and 33108 of 2016 and W.A.No.1194 of 2016

and WMP No.29836 of 2016 in WP.No.34630 of 2016

WMP No.29526 of 2016 in WP No.34220 of 2016

WMP No.28358 of 2016 in WP No.32799 of 2016

WMP No.28591 of 2016 in WP No.33108 of 2016

and CMP Nos.15317 & 16710 of 2016

in WA No.1194 of 2016

MV(CO)
MD(07.11.2016)

CA(29.12.2016)

सत्यमेव जयते

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