

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.24410 of 2017

and

W.M.P.Nos.25804 to 25806 of 2017

R.Rakesh Kumar

... Petitioner

Vs

1.The Registrar
Tamil Nadu Dr.Ambedkar Law
University (State University
Established by Act No.43 of 1997),
Poompozhi,
No.5, Dr.D.G.S.Dhinakaran Salai,
Chennai - 600 028.

and also New Campus
at M.G.R.Salai,
Perungudi,
Chennai - 600 096.

2.The Chairman
Law Admissions -2017-18,
The Tamil Nadu Dr.Ambedkar Law University,
Poompozhi,
No.5, Dr.D.G.S.Dhinakaran Salai,
Chennai - 600 028.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Registrar, Tamil Nadu Dr.Ambedkar Law University (State University Established by Act No.43 of 1997), Poompozhi, No.5, Dr.D.G.S. Dhinakaran Salai, Chennai - 600 028 and also at New Campus at M.G.R. Salai, Perungudi, Chennai - 600 096 the 1st respondent herein to consider the application filed by the petitioner vide No.A51707153 for the 5 year B.A., L.L.B. Degree Course under SC/ST category for the academic year 2017-18.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.V.Vasanthakumar

O R D E R

Though attempt after attempt is being made by the petitioner, the petitioner has been unsuccessful to get into the law college. The petitioner is alleged to be having passion for law. No doubt, passion for law has to be appreciated. But, that alone is not enough to obtain a law degree, as the minimum cut off marks has become a rule. Here is a person, who has been applying year after year with the same marks, without even improving the marks for getting admission into law college. Since the petitioner could not get admission for the present academic year 2017-18, the petitioner has come before this Court, seeking a mandamus to consider his application and for grant of a seat.

2.It is contended that the petitioner is coming under the Scheduled Tribe category and 1% seat has been reserved in the law colleges for admission for five year B.L., L.L.B. Degree Courses. According to the petitioner, he is a qualified person with requisite marks, aged about 24 years and is automatically entitled to admission. Since he has not been provided with the seat, the petitioner has come before this Court.

3.Mr.D.Ashok Kumar, learned counsel appearing for the petitioner would submit that the petitioner has got enough marks namely 41.5% in Part III subjects whereas the minimum marks prescribed by the law university is only 40% and therefore, he is entitled to admission.

4.On the other hand, Mr.V.Vasanthakumar, learned counsel appearing for the respondent/University would submit that the cut off marks for ST category is 67.625% whereas the petitioner has secured only 41.5%. Hence, he is not entitled to admission. Further, he would submit that he had already sought for similar relief in W.P.No.38919/2016 and the same was dismissed by this Court on 09.11.2016. Hence, there is res-judicata.

5.A close scrutiny of the petitioner's record would reveal that the petitioner passed the +2 examination by luck (i.e.,) 70/200 marks in Mathematics. Extract of the marks obtained by the petitioner is as follows:

Tamil	:	139/200
English	:	079/200
Physics	:	086/200

Chemistry	:	080/200
Biology	:	096/200
Mathematics	:	070/200
Total	:	0550/1200

6. According to the counter affidavit, the cut off mark for the academic year 2017-18, for ST category is 67.625% and wait list cut off mark is 67.250% and the Petitioner's community rank is 35. Paragraphs 4 and 5 of the counter affidavit are usefully extracted as follows:

"4. I respectfully submit that the petitioner belongs to Scheduled Tribe, applied for admission to 5 years B.A.L.L.B Degree Course for the Academic years 2017-2018. The cut of marks for ST category in the merit list is 67.625% and wait list cut off marks is 67.250% in the fourth counselling session held on 16.10.2017, and his community rank is 35, whereas the petitioner has secured only 41.50% and community rank is 65. Hence, he was not called for the said counselling for admission to B.A.L.L.B Degree course

5. I respectfully submit that the cut off marks of ST category, for admission to 5 years B.A.L.L.B Degree course offered in the affiliated Government Law Colleges for the past 4 Academic years are as follows:

S.No.	Academic year	Seats intake	Seats filled	Cut of marks
1	2013-14	11	11	43.750
2	2014-15	11	11	52.625
3	2015-16	11	11	61.375
4	2016-17	11	11	57.625

7. From the above, it is clear that the petitioner is nowhere near the cut off mark. Even last year also, the cut off mark was 57.625. When the petitioner is nowhere near the cut off mark, he cannot dream of getting into law college, which is nowadays sought after by many meritorious students and it is evident from the marks obtained by the admitted students. The cut off marks for the various categories are given as follows:

S.No.	Category	Cut off marks for merit list	Cut off marks for wait list
1	ST	67.625	67.250
2	SC (Arunthathiyar)	77.125	76.125
3	SC (Others)	80.750	80.625

S.No.	Category	Cut off marks for merit list	Cut off marks for wait list
4	MBC/DNC	80.750	80.375
5	BC (Muslim)	77.000	76.375
6	BC (Others)	81.000	80.375
7	OC	90.875	

8.To put it in other words, no candidate, who got lesser than 67% could be admitted in the law Colleges in Tamil Nadu. When such is the position, the prayer sought for by the petitioner is misconceived. Hence, this writ petition is not maintainable and is liable to be dismissed.

9.Further, the petitioner had already obtained adverse orders before this Court in W.P.No.38919 of 2016 on 09.11.2016, wherein this Court observed that the cut off marks for admission to those who belonged to ST is 57.60 and as the petitioner got only 41.5, the petitioner's claim is rejected. This year the situation has become still worse. The cut off mark has increased to 67, whereas the petitioner's marks remain the very same viz., 41.5. The petitioner cannot make any attempt, without making any improvement in the marks.

10.The cut off marks details given by Tamil Nadu Dr.Ambedkar Law University is really a welcome sign, by which the standard of legal education can be improved, which this Court has already pointed out in the case of Santhosh Antony Vareed v. Dr.Ambedkar Law University reported in 2009 (8) MLJ 1677.

11.The lawyers who are product of law colleges should have morals and ethics, as they are supposed to be officers of the Court. They have got responsibility to their clients, to the Court, to the society and to the other side. He has to exhibit the responsibility once he become a lawyer. For that not only academically meritorious persons, but also persons with ethics and discipline are needed.

12.With the above observations, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sai

To

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Tamil Nadu Dr.Ambedkar Law
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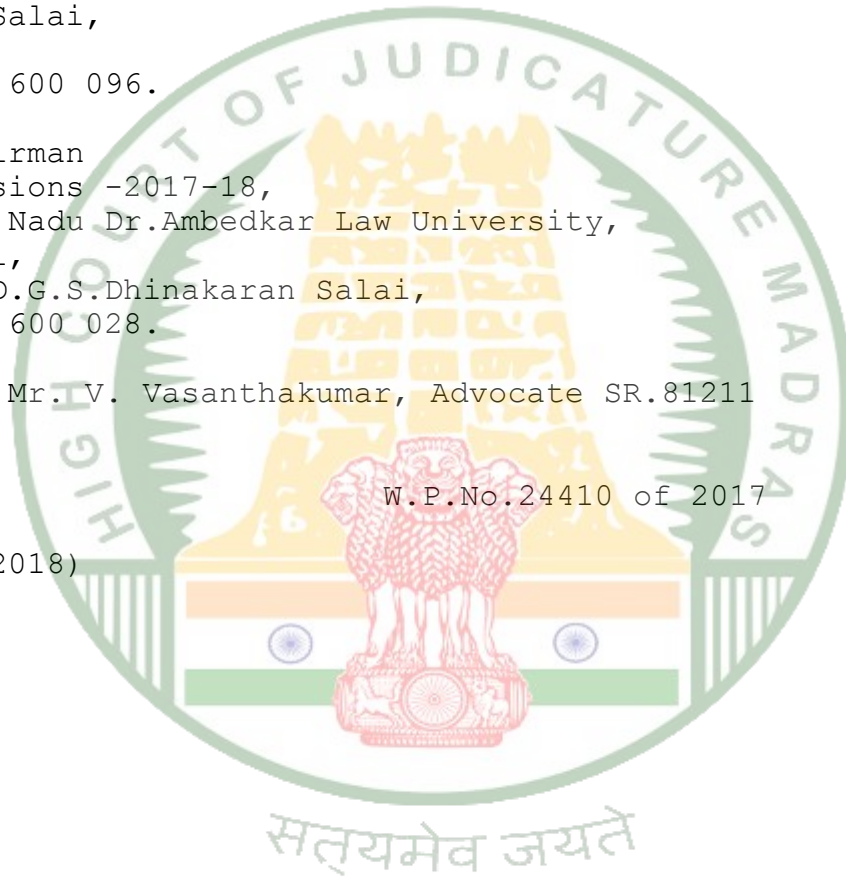
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+ 1 cc to Mr.V. Vasanthakumar, Advocate SR.81211

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KGK(CO)
EU(08/05/2018)



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