

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.35118 of 2016

W.M.P. Nos.30261 & 30262 of 2016 & W.M.P. No.9577 of 2017

M. Senthil Kumar

Petitioner

vs.

- 1 The University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi 110 002
- 2 The Law Secretary
Department of Law, Courts and Prison
Secretariat
St. George Fort
Chennai 600 009
- 3 The Tamil Nadu Dr. Ambedkar Law University
represented by its Chairman
"Poompozhi"
No.5, Dr. D.G.S. Dhinakaran Salai
Chennai 600 028
- 4 The Registrar
The Tamil Nadu Dr. Ambedkar Law University
"Poompozhi"
No.5, Dr. D.G.S. Dhinakaran Salai
Chennai 600 028

Respondents

Writ Petition filed under Article 226 of Constitution of India seeking to issue a writ of certiorarified mandamus to call for the records relating to the impugned regulations leading to the award of the degree of the doctor of philosophy in law/inter-disciplinary filed in the prospectus for Ph.D. Admission 2016-2017 issued by the third respondent and consequential impugned notification in No.3650/Regr/Acad/A2/2016 dated 01.09.2016 issued by the 4th respondent contrary to the norms and regulations prescribed by the first respondent notification, New Delhi dated 05.05.2016 and consequently, direct the third respondent to issue the fresh regulations leading to the award of the degree of Doctor of Philosophy in law/inter-disciplinary filed for Ph.D. Admission: 2016-2017 and

fresh notification with regard to the Ph.D. Admission:2016-2017 by the fourth respondent as per norms and regulations prescribed by the first respondent notification dated 05.05.2016.

For petitioner Mr. T. Prabakaran
For R1 Mr. P.R. Gopinathan
For R2 Mr. V. Anandhamurthy
Addl. Govt. Pleader
For RR 3 & 4 Mr. Manishankar, Addl. Adv. General
assisted by
Mr. L.P. Shanmugasundaram

ORDER

With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred challenging the regulations leading to the award of degree of Doctor of Philosophy in law/inter-disciplinary filed in the prospectus for Ph.D. Admission 2016-2017 issued by the third respondent and also the consequential notification dated 01.09.2016 issued by the 4th respondent, contrary to the norms and regulations prescribed by the first respondent's notification dated 05.05.2016 and consequently, direct the third respondent to issue fresh regulations leading to the award of the degree of Doctor of Philosophy in law/inter-disciplinary filed for Ph.D. Admission: 2016-2017 and fresh notification with regard to the Ph.D. Admission:2016-2017 by the fourth respondent as per norms and regulations prescribed by the first respondent's notification dated 05.05.2016.

3 Earlier, on 07.03.2017, the submission made by the learned counsel for respondents 3 and 4 that the petitioner is not entitled to pursue Part Time Ph.D. course and he is fully eligible for Full Time Ph.D. course, was recorded by this Court.

4 On the same lines, a counter affidavit also has been filed by respondents 3 and 4, wherein, at paragraph no.3, it has been stated as under:

"3. . . . Such being the case, the petitioner herein had applied for a Part Time Ph.D. Programme in which he does not possess the requisite 5 years of Professional Bar experience. Therefore, the respondent University has rejected the Part Time Ph.D. application of the petitioner. However, since the petitioner has eligibility for Full Time Ph.D. his application was considered for Full Time course."

5 In the counter affidavit filed by respondents 3 and 4, it is further stated as to why the petitioner is not entitled to be taken as a Part Time student.

6 In view of the above stand of respondents 3 and 4, it is open to the petitioner to approach the respondent University and subscribe himself for the Ph.D. programme, as offered by the respondent University and on being approached, the respondent University shall consider the case of the petitioner within a period of two weeks.

With the above observation and direction, this writ petition stands disposed of. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The University Grants Commission (UGC)
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New Delhi 110 002
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Department of Law, Courts and Prison
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- 3 The Chairman
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Chennai 600 028

+2ccs to M/s. K. Shyamsunder, Advocate, S.R.No.21735
+1cc to M/s. L.P.Shanmugasundaram, Advocate, S.R.No.21957

VSN(CO)
EU 13.4.17

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