



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM

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**THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

W.A. (MD) No.503 of 2013
and
M.P. (MD) No.1 of 2013

1. The Directorate of Legal Studies,
Represented by its Director,
Purasaivakkam High Road,
Kilpauk,
Chennai.
2. Tamil Nadu Dr.Ambedkar Law University,
Represented by its Registrar,
Poompozhi,
No.5, Dr.D.G.S.Dinakaran Salai,
Chennai-28.
3. The Principal,
Government Law College,
K.K.Nagar,
Madurai.

... Appellants/Respondents

Vs.

G.Senthilnathan

... Respondent/Writ Petitioner

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.2407 of 2013 dated 08.04.2013.

Prayer in WP(MD). 2407/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 147/E/2013 dated 04.02.2013 on the file of the Respondent No.3 and quash the same as illegal and consequently to direct the Respondents to admit the petitioner in M.L.Degree in the academic year of 2012-2013 with the Respondent NO.3 and pass an appropriate order as this Honourable Court may



For Appellants : Mr.M.Murugan
Government Advocate

For Respondent : Mr.T.Lajapathi Roy

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JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

The writ petition has been filed by the petitioner, challenging the order dated 04.02.2013, by which it is stated that only in a case of less than six seats are allocated for scheduled caste community, one seat can be offered to the Arunthathiyars on preferential basis from among them. The learned Single Judge was pleased to allow the writ petition, by holding that the circular or the Government order cannot go against the Rules, namely, Reservation for the Scheduled Castes Rule, 2009. Incidentally, a direction was issued to admit the qualified Arunthathiyar Community Candidate. Challenging the same, the present appeal has been filed.

2. There is no difficulty about the entitlement as per the reservation. According to the appellants, when the seats allotted the Scheduled Castes category is less than six seats, there is no possibility of giving further reservation to Arunthathiyinar community. According to the writ petitioner, the first seat will have to be reserved for Arunthathiyinar Community. The learned Government Advocate appearing for the appellants also produced the records to show that for the academic year 2009-2010, 2010-2011 and 2011-2012, one seat has been allotted to the Arunthathiyinar Community out of the three seats available. From the above, we are of the view that the procedure adopted for the previous years are not correct and so is the order passed by the learned Single Judge. A 200 point roaster is a continuous one. If an Arunthathiyinar Community candidate has already been given a seat for one year, the said candidate has to wait for the next turn, after exhausting all other community as per the roaster. Unfortunately, this has not been done. In any case by going with the admission made for the previous years, unfortunately the respondent will not get the seat.

3. Accordingly, the Writ Appeal stands allowed with a direction that the appellants will have to follow the observations made by us in the forth coming admissions for the year 2018-2019, since the entire period covered in the writ Petition is over. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/



To:

1. The Director,
Directorate of Legal Studies,
Purasaiyakkam High Road,
Kilpauk, Chennai.
2. Tamil Nadu Dr.Ambedkar Law University,
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Chennai-28.
3. The Principal,
Government Law College,
K.K.Nagar,
Madurai.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 65220

+1 cc to Special Government Pleader in SR.No.65316

sj

AE/GT/SAR2/26.07.2017/3P/6C

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