

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.354 of 2015

G.Bappudurai

... Appellant/Petitioner

-vs-

- 1.The Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
"Poompozhi", 5, Dr.D.G.S.Dhinakaran Salai,
Chennai-600 028.
 - 2.The Bar Council of Tamil Nadu and Pondicherry
rep.by its Secretary,
Bar Council Office, High Court Campus,
Madras-104.
 - 3.The Registrar,
Alagappa University,
No.149, 100 Feet Road,
Karaikudi-630 003.
- (R-3 impleaded as party respondent vide
Order of Court dated 10.11.2017 in W.A.
No.354 of 2015).

...

Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court in W.P.No.3513 of 2014 dated
23.01.2015.

WP.NO.3513/2014:

Petition filed Under Article 226 of the Constitution of
India pleased to issue a Writ in the nature of a Writ of
Certiorari Mandamus or any other Writ of direction to call
for the records on the file of the 1st respondent bearing
reference NO.2462/ Regr/ Acad/A2/2013 dated 29.10.2013 and quash
the same and further direct the 2nd respondent to register the
petitioner on its rolls.

For Appellant :: Mr.V.Raghavachari

For Respondents:: Mr.V.M.G.Ramakannan for R1
Mr.S.Y.Masood for R2
No appearance for R3

JUDGMENT

(Made by HULUVADI G.RAMESH, J.)

The case of the appellant is that he passed X Standard in April 1997. He joined the Higher Secondary Course and completed the Course in March 1999. But he failed in one subject. Without clearing the arrear paper in the Higher Secondary Course, the appellant joined the Bachelor's Degree Course in Arts, in the Alagappa University, under the Distance Education Program. In January 2010, the appellant obtained a degree from the Alagappa University in Bachelor of Arts in History. Thereafter, the appellant appeared for the arrear paper in the Higher Secondary Examination in March 2010 and cleared it. During the academic year 2010-11, the appellant applied for admission to a three year Degree Course in Law and he was allotted to the Government Law College, Tirunelveli, by the first respondent University, in the counselling held on 14.09.2010. He was also issued with a certificate of eligibility to join the three year B.L. Degree Course for the academic year 2010-11. During the period 2010-13, the appellant completed the three year Law Degree successfully, and he was issued with a Provisional Certificate on 19.09.2013. The appellant had also paid the necessary fees towards the Advocates Welfare Fund, Group Insurance Scheme, Resumption Charges and Enrollment Certificate fee. While so, a good samaritan sent a letter to the University informing them that the appellant was admitted to the three year Law Degree, without having completed the eligibility criteria of 10 years of schooling, followed by 2 years of Higher Secondary Course and 3 years of Bachelor's Degree Course. Immediately, the University issued a show cause notice calling upon the appellant to show cause as to whether he fulfilled the eligibility criteria for joining three year B.L. Degree Course. Challenging the said show cause notice, he filed a writ petition before this Court in W.P.No.3513 of 2014.

2.Considering the facts and circumstances of the case, the learned single Judge has passed an order dated 23.01.2015, partly allowing the writ petition, setting aside the notice of the University, but declaring that with the law degree conferred on the appellant by the University, he cannot either enrol as Advocate or enter into the Judicial Service. Challenging the same, he is before this Court with this appeal.

3.The learned counsel for the appellant has relied upon paragraphs-30 and 31 of a Full Bench decision of this Court in W.P.Nos.44242 of 2016 etc.batch, dated 23.07.2018 and submitted

that the appellant had in fact fulfilled the eligibility criteria in the year 2010-11 for joining the three year B.L. Degree Course and that the University is estopped from questioning his eligibility, after having issued the eligibility certificate way back on 21.09.2010 and after having allotted him to the Tirunelveli Government Law College.

4.The learned counsel for the first respondent-University and the learned counsel for the second respondent-Bar Council, have submitted that the learned single Judge has considered the matter in proper perspective and has passed the impugned order, which does not require any interference in the hands of this Court.

5.Heard the learned counsel on either side and perused the materials available on record.

6.In the case on hand, there is no doubt that the appellant has completed 10th Standard. He also wrote the Plus-Two examination, but the fact remains that he failed in one subject, thus not completing the Plus-Two examination. Thereafter, he joined the Bachelor's Degree Course in Arts, in the Alagappa University, under the Distance Education Program and completed the same in January 2010. Only thereafter, he appeared for the arrear paper in the Higher Secondary Examination in March 2010 and cleared it. Having completed the degree, he applied for admission to three-year Degree Course in Law in the academic year 2010-11 and he was allotted to the Government Law College, Tirunelveli. He also completed the Law Degree in the year 2013. Thus, much before passing of Plus-Two examination, ie., without completing the Plus-Two examination in full, the appellant has proceeded to study and completed the B.A.Degree Course and thereafter wrote the left-over examination in Plus-Two and completed it. Even though the appellant has in fact acquired a Secondary School Leaving Certificate, a Higher Secondary Course Certificate and a Degree in Arts, they were not obtained in the normal sequence. The appellant obtained a degree before completing the Higher Secondary Course, which is non-est in the eye of law, for the purpose of joining Law Degree. Further, there is nothing on record to show that the University was aware of and conscious of the fact that the appellant completed the Higher Secondary Course only after securing a degree from the Alagappa University, while joining the Law Course. In view of the same, the learned single Judge has not interfered with the show cause notice issued by the College. Further, in the Full Bench decision relied upon by the learned counsel for the appellant, nowhere it is stated that persons having not completed the requisite qualifications in a proper sequence for pursuing Law Degree, can be considered for admission to Law Degree. In these circumstances, it is made clear that the

Bachelor's Degree in Arts (History) acquired by the appellant from Alagappa University, cannot be considered for admission to the Law Degree, as the 10th Standard, Plus-Two examination and the Bachelor's degree have not been acquired in a proper sequence. But the Law Degree acquired by the appellant may be considered elsewhere by a private employer, if the Rules therein, so permits. We can only say that the appellant may pursue a Bachelor's Degree afresh and thereafter join Law Degree.

7. With the above observation, the writ appeal is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Registrar,
The Tamil Nadu Dr. Ambedkar Law University,
"Poompozhi", 5, Dr. D. G. S. Dhinakaran Salai,
Chennai-600 028.
2. The Secretary,
Bar Council of Tamil Nadu and Pondicherry
Bar Council Office, High Court Campus,
Madras-104.
3. The Registrar,
Alagappa University,
No. 149, 100 Feet Road,
Karaikudi-630 003.

+1cc to Mr. V. M. G. Ramakannan, Advocate sr.no. 65759
+1cc to Mr. V. Raghavachari, advocate sr.no. 66074

W.A.No.354 of 2015

sj(co)
nr 24/10/2018