

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE,

The Hon'ble Mr.JUSTICE R.SUBBIAH

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.32279 of 2016

and

WMP Nos.27999 and 28000 of 2016

M.Divyalakshmi

.. Petitioner

-vs-

1. The Tamil Nadu Dr.Ambedkar Law University,
rep. by the Chairman,
Poompozhi,
No.5, Dr.D.G.S.Dhinakaran Salai,
Chennai - 600 028.

2.The Bar Council of India,
rep. by the Secretary,
21, Rouse Avenue,
Institutional Area,
New Delhi - 110 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records in the impugned order for rejection of the application in the 3 Year LL.B. Degree Course General Rank List 2016-2017 and quash the same and consequently direct the first respondent to process the Application No.A31601122 and admit the petitioner in the 3 Year LL.B. Course in the academic year 2016-2017.

For Petitioner : Mr.R.Tamaraiselvan

For Respondents : Mr.L.P.Shanmugasundaram
for 1st respondent

Mr.S.R.Raghunathan
for 2nd respondent

O R D E R

(Made by Ms.Indira Banerjee, Chief Justice)

This writ petition is directed against the refusal of the authorities of the Tamil Nadu Dr. Ambedkar Law University, Chennai to admit the petitioner to the Three Year LL.B. Course.

2. The short question involved in this writ petition is whether a student can be denied admission to the Three Year LL.B. Course only on the ground that she had taken the Higher Secondary Course Certificate Examination (+2) privately.

3. It is the case of the petitioner that the petitioner passed 10th standard through regular school in 2005, after which, she discontinued the school education. The petitioner cleared the Higher Secondary Course Certificate Examination privately in 2008, after which, she attended three year graduation course in B.Com and graduated in 2011.

4. The Advocates Act, 1961 was enacted to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All India Bar.

5. Section 4 of the Advocates Act, 1961 (hereinafter referred to as "the said Act") provides for constitution of the Bar Council of India consisting of members, as specified in the said Section. The functions of the Bar Council of India are enumerated in Section 7 of the said Act, which is set out herein below:

"7. Functions of Bar Council of India.-(1) The functions of the Bar Council of India shall be-
[***]

(b) to lay down standards of professional conduct and etiquette for advocates;

(c) to lay down the procedure to be followed by its disciplinary committee and the disciplinary committee of each State Bar Council;

(d) to safeguard the rights, privileges and interests of advocates;

(e) to promote and support law reform;

(f) to deal with and dispose of any matter arising under this Act, which may be referred to it by a State Bar Council;

(g) to exercise general supervision and control over State Bar Councils;

(h) to promote legal education and to lay down standards of such education in consultation with

the Universities in India imparting such education and the State Bar Councils;

(i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities [or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf];

(ia) to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of legal interest;

(ib) to organise legal aid to the poor in the prescribed manner;

(ic) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;

(j) to manage and invest the funds of the Bar Council;

(k) to provide for the election of its members;

(l) to perform all other functions conferred on it by or under this Act;

(m) to do all other things necessary for discharging the aforesaid functions;

(2) The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of—

(a) giving financial assistance to organise welfare schemes for indigent, disabled or other advocates;

(b) giving legal aid or advice in accordance with the rules made in this behalf;

(3) The Bar Council of India may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section."

6. The functions of the Bar Council of India include promotion of legal education and laying down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils. As observed above, the said Act, also provides for the constitution of State Bar Councils.

7. The Tamil Nadu State Bar Council has been constituted under Section 5 of the said Act. The functions of the State Bar Councils are enumerated in various sub-sections of Section 6 of the said Act. The functions are as follows:

"6. Functions of State Bar Councils. - (1) The functions of a State Bar Council shall be—
(a) to admit persons as advocates on its roll;
(b) to prepare and maintain such roll;
(c) to entertain and determine cases of misconduct against advocates on its roll;
(d) to safeguard the rights, privileges and interests of advocates on its roll;
(dd) to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes referred to in clause (a) of sub-section (2) of this section clause (a) of sub-section (2) of section 7; (e) to promote and support law reform;
(ee) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and paper of legal interest;
(eee) to organise legal aid to the poor in the prescribed manner;
(f) to manage and invest the funds of the Bar Council; (g) to provide for the election of its members;
(gg) to visit and inspect Universities in accordance with the directions given under clause (i) of sub-section (1) of section 7;
(h) to perform all other functions conferred on it by or under this Act;
(i) to do all other things necessary for discharging the aforesaid functions."

8. On a comparison of the functions of the Bar Council of India and the State Bar Councils, it is patently clear that the function of promoting legal education and laying down standards of such education is that of the Bar Council of India and not the State Bar Councils. The said function is performed by the Bar Council of India in consultation with the Universities in India imparting education in law and the State Bar Councils.

9. In exercise of power conferred by the Advocates Act, 1961, the Bar Council of India has framed Rules of Legal Education in consultation with Universities and State Bar Councils. Rules 5, 6 and 7 of the Bar Council of India Rules of Legal Education, hereinafter referred to as "Legal Education Rules", provide as follows:

"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 programme in law leading to conferment of LL.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 Programme: 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' LL.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.

6. Prohibition to register for two regular courses of study.-

No student shall be allowed to simultaneously register for a law degree program with any other graduate or postgraduate or certificate course run by the same or any other University or an Institute for academic or professional learning excepting in the integrated degree program of the same

institution. Provided that any short period part time certificate course on language, computer science or computer application of an Institute or any course run by a Centre for Distance Learning of a University however, shall be excepted.

7. Minimum marks in qualifying examination for admission.-

Bar Council of India may from time to time, stipulate the minimum percentage of marks not below 45% of the total marks in case of general category applicants and 40% of the total marks in case of SC and ST applicants, to be obtained for the qualifying examination, such as +2 Examination in case of Integrated Five Years' course or Degree course in any discipline for Three years' LL.B. course, for the purpose of applying for and getting admitted into a Law Degree Program of any recognized University in either of the streams.

Provided that such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution but only shall entitle the person concerned to fulfill other institutional criteria notified by the institution concerned or by the government concerned from time to time to apply for admission."

10. It is not in dispute that admission to the Law Courses conducted by the Tamil Nadu Dr.Ambedkar Law University are also governed by Rule 5 of the Legal Education Rules referred to above.

11. For admission to the Three Year Law Decree Course, a candidate -

(i) would have to be a graduate in any discipline from a university established by an Act of Parliament or by a State Legislature or an equivalent National Institution recognized as a deemed university, or a foreign university recognized as equivalent to an Indian University established by statute.

(ii) an LL.B Degree / Law Decree from such university and/or deemed university and/or equivalent institution should be recognized by the Bar Council of India for the purpose of enrolment.

(iii) the candidate should have graduated from such deemed university or equivalent institution by attending a regular course conducted by such

university and/or deemed university and/or equivalent.

(iv) the candidate should not have obtained 10 +2 or graduation or post graduation through Open University System directly without having the basic qualification for prosecuting such studies.

12. The first proviso makes it absolutely clear that students, who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies through distance or correspondence method are also considered to be eligible for admission in the Integrated Five Years Course or Three Years LL.B. Course, as the case might be. The first proviso, which is clarificatory only, clarifies that prosecution of studies in distance or by correspondence method is to be deemed to be on par with regular course conducted by a recognized Institution for the purpose of Secondary Pass Certificate or First Degree Certificate.

13. However, the Explanation after the proviso makes an exception in case of persons who have obtained 10 +2 or graduation/post graduation through Open University System directly without having any basic qualification for prosecuting such studies. Such persons are not eligible for admission.

14. Rule 5 of the Legal Education Rules does not exclude candidates who obtained the Secondary or Higher Secondary Course Certificate without attending a regular course in a recognized educational institution from admission to the Three Year LL.B Course.

15. For admission to the Integrated Degree Program, which is Five Year Law Course, an applicant should have successfully completed Senior Secondary School Course or equivalent from a recognized University of India or abroad or from a Senior Secondary Board or equivalent constituted or recognized by the Union or by a State Government or from any equivalent Institution from a foreign country recognized by the Government of that country for the purpose of issuing qualifying certificate on successful completion of the course. Thus, a candidate applying for the Integrated Degree Program (Five Year Course) should have obtained Higher Secondary Certificate or equivalent certificate from a recognized University and/or Board and/or equivalent after successful completion of a regular course.

16. On a perusal of Rule 5(a) and (b), it is patently clear that it was the intention of the Bar Council of India that for admission to the Three Year Law Course, a candidate should not

only be a graduate, but a graduate upon completion of a regular course conducted by a university or an institution recognized by and/or affiliated to a university, or a deemed university or equivalent institution and in case of admission to the Integrated Degree Program, an applicant should have completed Senior Secondary School Course (+2) or equivalent such as 11 +1 or 'A' level in Senior School Leaving Certificate course from a Senior Secondary Board or equivalent constituted or recognized by the Union or by a State Government on successful completion of the course and/or in other words, by attending a regular course. The intention is that immediately preceding qualifying certificate and/or degree should have been obtained on completion of a regular course.

17. On a perusal of Rule 5 of the Legal Education Rules, it is patently clear that students who prosecute studies privately or by distance or correspondence method are to be considered as eligible for admission to the Three Year LLB course, provided they possess the requisite Secondary School Leaving Course Certificate or Higher Secondary Course Certificate from a Board of Education recognized by the Union or by the State Government or from any equivalent institution of foreign country or any university established by statute or deemed university, and have graduated from a university and/or institution whose degree in law is recognized by the Bar Council, by completing a regular course.

18. However, applicants to the Law Course who obtained 10 +2 or graduation or post graduation through Open University System directly, without having the basic qualification for prosecuting such studies are not eligible for admission in the Law Courses. In other words, a graduate from an Open University who does not have the Secondary or alternatively Higher Secondary Course Certificate would not be eligible. Similarly, a post graduate from an Open University without a graduate degree would not be eligible for admission.

19. The Explanation does not apply to candidates, such as the petitioner, who have cleared the Secondary School Leaving Certificate Examination and Higher Secondary Course Certificate Examination from a Board recognized by the State of Tamil Nadu and have graduated from an Indian University established by statute, by attending a regular course. The mere fact that the student may have studied in private and appeared for the examinations in private to clear any previous examination would not make any difference. A candidate cannot be excluded on the mere ground that he appeared for the Higher Secondary Course Examination as a private candidate without attending regular school or a correspondence course.

20. It may be pertinent to note, at the inception, that Rule 5 read with Rule 7 of the Legal Education Rules only fixes eligibility criteria. It is obviously open to Universities to devise admission norms and/or criteria, subject to fulfillment by candidates of the eligibility criteria fixed by Rules 5 and 7 of the Legal Education Rules.

21. It is for the Law Institution concerned to make admissions either on the basis of the marks obtained in previous examinations or on the basis of the marks obtained in a separate admission test or on the basis of the average of the marks obtained in the previous examinations and marks obtained in an admission test, if such admission test is held, provided the candidates fulfill the eligibility criteria as laid down in Rules 5 and 7 of the Legal Education Rules.

22. In the instant case, it is not in dispute that the petitioner has cleared the Secondary School Leaving Certificate Examination and the Higher Secondary Course Certificate Examination conducted by Boards recognized by the State of Tamil Nadu and has graduated from an Indian University, established by statute and recognized by the University Grants Commission after attending a regular course. The petitioner is now seeking admission in the Three Year LL.B. Course in the Tamil Nadu Dr. Ambedkar Law University.

23. The petitioner is, however, being denied admission only on the ground that the petitioner had not attended the XI and XII standard in any regular school and that there was a gap of about 5 to 6 years between the time when the petitioner cleared the Secondary School Leaving Certificate Examination and the time when the petitioner cleared the Higher Secondary Course Certificate Examination. The reasons for the time gap are not material.

24. A perusal of the mark sheets indicate that the petitioner has performed well in the Secondary School Leaving Certificate Examination and the Higher Secondary Course Certificate Examination. The petitioner has cleared the Bachelor of Arts examination obtaining First Class in Part-I Tamil; Second Class in Part-II English and First Class in Part-III Tamil Literature. The petitioner had secured the cut-off marks for admission to the Three Year LL.B. Course as prescribed by Rule 5 of the Legal Educational Rules. In our considered view, the petitioner cannot be said to be ineligible for admission to the three year LL.B. Course.

25. Much emphasis has been placed on the Explanation after the proviso to Rule 5 of the Legal Education Rules, which reads that "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". The Explanation means that it is necessary for a student to first clear the Secondary School Leaving Certificate Examination or equivalent examination conducted by some recognized Board; thereafter, the Higher Secondary Course Certificate Examination or equivalent examination conducted by some recognized Board, and thereafter a graduation degree from a recognized university for admission to the Three Year LL.B. Course. It is reiterated that the graduate degree would have to be obtained by successfully completing a regular course conducted by the university.

26. A candidate, who may have passed the Higher Secondary Course Certificate Examination (+2) without clearing the Secondary School Leaving Certificate Examination (+10) or alternatively a candidate, who may have straightaway graduated under the Open University System without clearing the Secondary School Leaving Certificate Examination and/or Higher Secondary Course Certificate Examination, as the case might be, would not be eligible for admission.

27. Rule 7 of the Legal Education Rules enables the Bar Council of India to stipulate the minimum percentage of marks not below 45% of the total marks in case of general category applicants and 40% of the total marks in case of SC and ST applicants, to be obtained for the qualifying examination, such as +2 examination in case of integrated Five Year course or Degree Course in any discipline for 3-year LL.B Course. The proviso to Rule 7 makes it clear that obtaining the minimum qualifying marks shall not automatically entitle a person to get admission into an institution but shall only entitle the person concerned to fulfil other institutional criteria notified by the institution concerned or by the Government concerned, from time to time, to apply for admission.

28. The proviso is not attracted in this case as the Law University and/or Government has not notified any criteria that has been breached. As observed above, the proviso would be attracted if the institutions concerned were to introduce any additional or different criteria, may be, the system of taking average marks in all qualifying examinations, subject to possession of the minimum that is fixed.

29. Our attention has been drawn to the judgment of a Division Bench of this Court in K.Sakthi Rani v. The Secretary of of the Bar Council of Tamil Nadu, Chennai-600 104 and others, reported in 2010-2-L.W. 746.

30. The question in issue in the case of Shakthi Rani, supra, was whether persons, who had studied law without basic degree but obtained Post Graduate degree in Open Universities, were entitled to be enrolled as Advocates. The question was answered in the negative.

31. It is well settled that a judgment is a precedent for the issue of law that is raised and decided. Paragraphs and sentences in a judgment cannot be read in isolation from the context in which the judgment was rendered. K.Sakthi Rani, supra, is not an authority for the proposition as sought to be propounded by the learned counsel appearing on behalf of the respondent/Tamil Nadu Dr.Ambedkar Law University, that every previous certificate and/or degree should have been obtained by attending a regular course in a recognized institution.

32. Since there were two conflicting judgments, one rendered in S.R.Deepak v. The Tamil Nadu Dr.Ambedkar Law University and another, reported in 2016-2-L.W. 64 (Mad) (DB) and the other rendered in Theerthagiri v. The Director of School Education and others, reported in (2016) 5 L.W. 573 (Mad) (DB), this writ petition was referred to a Larger Bench.

33. In S.Theerthagiri, supra, the Division Bench, in effect, held that candidates who had appeared privately and passed the SSLC Board Examination, i.e., the X Standard Board Examination, but later obtained the +2 Higher Secondary Pass Certificate and thereafter graduated from a regular University did not suffer from any disqualification to prosecute the Three Years Law Course or the Five Years Integrated Law Course, as the case might be. However, in S.R.Deepak, supra, a Division Bench of this Court held:

"21. Indisputably, Rule 5 or the relevant criteria prescribed in the Information Bulletin does not deal with a situation, wherein, a candidate has obtained X standard examination certificate privately nor after prosecuting studies in distance or correspondence method. Distance education has been defined under the provisions of the Indira Gandhi National Open University Act, 1985, as an education taken from an outside place on the basis of education imparted through broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means. In distance education, a candidate is not required to attend classes regularly. However, the education is imparted, as aforesaid, for two years in two year course. In the case of open university system, albeit there may not be regular classrooms, but, the candidates

are supplied with study materials which make them abreast of up-to-date knowledge. In the case of a private candidate, no study material is supplied. It is for the candidate to study on his own and write the examination. The test is passing the examination without there being any support.

22. In the case on hand, the appellant had passed the 2 years examination, i.e., for IX and X standard in one year privately without any educational aid. As such, it cannot be held that he had obtained a basic qualification of X standard in 10 years. As a sequel, we have no hesitation in holding that the appellant does not fall within the eligibility criteria as enshrined in Clause (a) of Rule 5 of the Rules of Legal Education."

34. For admission to the Three Year Law Degree Course, an applicant should be a graduate in any discipline of knowledge from a University established by an Act of Parliament; Act of State Legislature; equivalent National Institution recognized as Deemed to be University; or Foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence. Such applicant should have graduated upon completion of a regular program conducted by a University, whose degree in law is recognized by the Bar Council of India for the purpose of enrolment. A candidate who graduates privately cannot take admission in the Three Year Law Degree Course. The candidate should have graduated from a University as specified in Rule 5 or equivalent as per Rule 5, upon completion of the regular program conducted by the University and the University should be such a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

35. For admission to the Integrated Degree Program in Law, which is a Five Year Law Course, an applicant should have completed Senior Secondary School course (+2) or equivalent (such as 11 +1, 'A' level in Senior School Leaving Certificate course) from a recognized University in India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the Government of that country for the purpose of issue of qualifying certificate on successful completion of the course.

36. The first proviso carves out an exception and reads that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence mode shall also be

considered as eligible for admission in the Integrated Five Years course or Three Year LLB Course, as the case may be. In other words, for admission to the Three Year LLB course or Integrated Degree Program in Law, as the case may be, prosecution of studies in distance or correspondence mode is to be treated at par with prosecution of studies by attending a regular course conducted by a recognized affiliated institution.

37. However, the Explanation clarifies that those who have obtained 10 + 2 or graduation / post graduation through Open University System directly, without having the basic qualifications for prosecuting such studies, are not eligible for admission in the law courses.

38. Since the eligibility criteria stipulated in Rule 5(a) of the Legal Education Rules for admission to the Three Year LLB program is, as stated above, a graduate degree from a university whose LLB degree is recognized by the Bar Council for enrolment by prosecuting a regular course, the first proviso clarifies that prosecution of studies by distance or correspondence mode will be treated at par with prosecution of a regular course. The Explanation makes it clear that those who obtain 10 +2 or graduation or post graduation through an Open University system directly without having the basic qualification for prosecuting the studies would not be eligible for admission to the law courses.

39. It is reiterated that Rule 5(a) of the Legal Education Rules read with the first proviso and the Explanation makes a graduate degree obtained by attending a regular course or through correspondence or distance mode, a mandatory eligibility criteria for admission to the Three Year LLB course. However, those who obtain graduate degree through an Open University system without having the basic qualification i.e., without obtaining 10 +2 certificate and/or in other words Secondary and/or Senior Secondary certificate or equivalent from a Board authorised to confer such certificates are not eligible for admission to the Three Year Law course. Similarly, a candidate who may have cleared +2 (Senior Secondary course) would not be eligible for admission in the Integrated Degree Program if he has obtained the certificate through an Open University system without having the basic qualification for prosecuting +2 course, which is a Secondary certificate.

40. With the greatest of respect to the Division Bench deciding S.R.Deepak, supra, we are unable to agree that a candidate who obtains the Secondary Certificate or Higher Secondary Certificate without prosecuting a regular course would be ineligible for admission to the Three Year LLB Course, even though the candidate might have obtained a Secondary Certificate

and a Higher Secondary Certificate from a recognized Board authorized to issue such certificates and have graduated from a recognized university whose degree in Law is recognized by the Bar Council of India for enrolment by successfully completing a regular course.

41. There is a difference between open universities and other universities and/or boards, in that some of these open universities enable candidates, who do not have the basic qualifications, to obtain higher qualifications straightaway. By prosecuting studies through open universities, it may be possible for a candidate to obtain a Post Graduate Degree or a Three Year LLB Degree without being a graduate or to obtain a graduate degree without having the Senior Secondary School Certificate. In our view, the Bar Council of India, in its wisdom, framed the Legal Education Rules making a graduate degree upon prosecution of a regular course from a university, whose degree in Law is recognized by the Bar Council of India, in a mandatory eligibility criteria.

42. Had it been the intention of the Bar Council that for admission to Three Year LLB Course a candidate would be required to obtain all the previous requisite degrees and certificates, such as the Secondary School Certificate and Senior Secondary School Certificate, by prosecuting a regular course, the Legal Education Rules would have specifically provided so.

43. The language and tenor of Rules 5(a) and 5(b) read with the first proviso and the Explanation make it amply clear that prosecution of a regular course is mandatory only for the immediately previous qualifying certificate and/or degree, for example, graduate degree for the Three Year LLB Course and Senior Secondary Certificate for the Integrated Degree Program. Had the Rules intended otherwise, the Rules would have specifically provided that candidates would not be eligible for admission to the Three Year LLB unless they had obtained the Secondary and Senior Secondary Certificates upon prosecution of studies through a regular course or through distance or correspondence mode. The Bar Council of India has, in its wisdom, chosen to frame rules whereunder prosecution of a regular course is mandatory only in respect of the Senior Secondary Certificate for admission to the Integrated Degree Course and in respect of graduation for admission to the Three Year LLB course.

44. We are also of the view that once a recognized university or a recognized board issues a certificate, it is not for any other authority to question the certificate on the ground of ineligibility to obtain the certificate, until and unless the certificate is cancelled by an appropriate authority

and/or by a Court of law. To hold otherwise would be to open the pandora's box, for years later certificates might be questioned on grounds such as inadequate attendance, failure to clear internal test examinations and the like and it would be impossible for candidates possessing the degree and/or certificate to adduce cogent materials and/or evidence to satisfy those questioning the certificates. When a regular certificate is granted by a recognized board, there is a presumption that the candidate was eligible to be conferred the certificate.

45. The petitioner was a candidate for admission in the session commencing from 2016-17. Since the petitioner has wrongfully been denied admission, she shall be accommodated in the ensuing session of Three Year Law Course.

46. The writ petition is, thus, allowed. The petitioner shall be admitted to the ensuing session of Three Year Law Course, if the petitioner is still interested in taking admission, subject to compliance with all requisite formalities for obtaining admission. No costs. Consequently, WMP.Nos.27999 & 28000 of 2016 are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To

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

WEB COPY

2.The Secretary,
Bar Council of India,
21, Rouse Avenue,
Institutional Area,
New Delhi - 110 002.

+1cc to Mr.SR.Raghunathan, Advocate Sr.18029
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.19302
+2cc to Mr.R.Thamaraiselvam, Advocate SR.18946

W.P.No.32279 of 2016

srg 16/07/2018



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