

In the High Court of Judicature at Madras

Dated : 27.2.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM
and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.567 of 2019 & CMP.No.4868 of 2019

1.The Tamil Nadu Dr.Ambedkar
Law University, rep.by its
Registrar, Poompozhi, No.5,
Dhinakaran Salai, Chennai-28.

2.The Coordinator of 3 Years LLB
Degree Course 2018-19, the
Tamil Nadu Dr.Ambedkar Law
University, Poompozhi, No.5,
Dhinakaran Salai, Chennai-28.

(cause title accepted vide CMP.No.2314
of 2019 in WA.SR.No.8753 of 2019
dated 06.2.2019 by TSSJ & VBSJ)

...Appellants

Vs

1.Thangaraja

2.The Director, Directorate of Legal
Studies, Chennai-10.

3.The Registrar, Karpagam Academy
of Higher Education (Deemed to be
University), Pollachi Main Road,
Eachanari Post, Coimbatore-21.

...Respondents

APPEAL under Clause 15 of the Letters Patent against the
order dated 07.1.2019 passed W.P.No.33553 of 2018.

Prayer in W.P.No.33553 of 2018:

This Writ Petition praying to issue a Writ of Mandamus
directing the respondents 1 to 3 to admit the Petitioner for
studying 3 years L.L.B Degree Course 2018-2019.

For Appellant : Mr.Vijay Narayan, AG assisted by
Mr.V.Vasantha Kumar

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.Vijay Narayan, learned Advocate General appearing on behalf of the appellant.

2. This appeal is directed against the order dated 07.1.2019 in W.P.No. 33553 of 2018.

3. The first respondent filed the said writ petition praying for the issuance of a Writ of Mandamus to direct the appellant to admit him to the three year LLB degree course for the academic session 2018-19.

4. The first respondent herein - writ petitioner pursued his under-graduate course namely B.Sc. Mathematics in Karpagam Academy of Higher Education, which is deemed to be a university established under Section 3 of the University Grants Commission Act, 1956. From the consolidated mark statement issued by the said institution, it is seen that the first respondent herein - writ petitioner studied 40 subjects and that the cumulative grade point average was 6.23 and the total credits earned by him were 150. The first respondent had been placed second in all the parts namely Part I, II and III. The appellant - University declined to grant admission to the first respondent on the ground that he did not secure the cut off mark of 66.650 for a candidate under the MBC/DNC category.

5. For the purpose of calculating the marks, the appellant - University had applied the procedure stipulated in Clause (V) of the prospectus - 2018-19. The learned Single Judge considered the prospectus and held that for the purpose of computing the cut off mark, the subjects, which are not main subjects or ancillary or allied subjects to the main subjects, had to be excluded and if those subjects were excluded, then the first respondent herein - writ petitioner would secure the required marks and would be entitled to be admitted in the three year LLB degree course for the academic session 2018-19.

6. Mr.Vijay Narayan, learned Advocate General assisted by Mr.V. Vasanthakumar, learned counsel on record for the appellant submits that Clause (V) (ii) of the prospectus states that the selection for the candidate applying LLB degree course will be based on the percentage of marks obtained by the candidate in aggregate of all the subjects in the qualifying degree examination excluding languages may be taken into account.

7. Therefore, it is submitted by the learned Advocate General that out of 40 subjects, which the first respondent studied in the said institution, excluding the language

subjects, which are six in number, the marks obtained by the first respondent for 34 subjects have to be taken into consideration and if the same is done, then the first respondent herein - writ petitioner secured only 65.558 marks and that it is below the cut off marks for the MBC/DNC category and also below the cut off for being a wait listed candidate under the said category. Hence, it is further submitted that the interpretation given by the learned Single Judge is incorrect and if such an interpretation is to be accepted, then it will open flood gates and the appellant - University will not be able to regulate the admission by implementing the conditions in the prospectus.

8. We have carefully considered the said submissions of the learned Advocate General and given our anxious consideration to the facts and circumstances of the case.

9. The first respondent, while submitting his application in the coding sheet provided, had given the details of qualifying examination in column No. 12(1). The first respondent had taken 4000 as maximum marks i.e. The marks for all the 40 subjects and the percentage of marks had been computed at 65.150. For the purpose of ranking, in column No.12(ii), the first respondent had taken 29 subjects with maximum marks of 2900 and the percentage of marks (major and allied) as 66.724. Thus, according to the first respondent, he is fully eligible to be accommodated in the MBC/DNC category as he had secured above the cut off mark of 66.650.

10. The University, on the other hand, would state that 34 subjects have to be taken into consideration and not 29 subjects as computed by the first respondent.

11. Thus, we have to see as to what would be the proper interpretation that has to be given to the prospectus and more particularly Clause (V) of the prospectus, which deals with the mode of selection. For better appreciation, the same is quoted as herein below :

"V. Mode of Selection :

(i) Candidates applying for admission to the above mentioned Government Law Colleges will be ranked according to the marks obtained by them in the qualifying examination and on the basis of communal and special reservations.

(ii) Selection for the candidate applying for LLB degree course will be based on 'the percentage of marks obtained by the candidate in aggregate of all the subjects

in the qualifying degree examination, excluding languages, may be taken into account. In case where the language alone is the subject of the qualifying examination, the percentage of marks obtained by the candidate alone in the said examination may be taken into account'. (G.O.Ms.No.83 Law (L5) Department dated 19.4.2007). 'All the subjects in the qualifying examinations' means and includes all the main/ major and allied/ancillary subjects of the qualifying degree and marks secured in those subjects taken for classification for class awarding purpose shall alone be taken for ranking purpose.

Note : Copy of the consolidated mark statement shall be enclosed compulsorily. In cases where grades are provided, it is the responsibility of the candidate to obtain and enclose the equivalent conversion of marks from the University/College concerned. If a candidate fails to produce exact marks secured, the least mark for the concerned grade shall be taken into consideration for eligibility and ranking purpose."

12. In terms of Clause (V)(ii) of the prospectus, the percentage of marks obtained by the candidates has to be computed by taking into consideration the aggregate of all the subjects in the qualifying degree examination excluding languages. As noticed above, the first respondent studied 40 subjects, of which, six subjects are language subjects. Therefore, these six language subjects have to be necessarily excluded and in fact, the first respondent also excluded the same when he submitted his application in the coding sheet.

13. The question would be as to whether the following five subjects have to be excluded as according to the first respondent or as to whether the five subjects have to be included as according to the appellant - University :

Foundation Course-A (Value Education)
Soft Skill Development-I
Foundation Course-B (Environmental Studies)
Soft Skill Development-II
First Aid and Safety

14. The answer to the question lies in the prospectus itself. The prospectus defines the expression 'All the subjects in the qualifying examinations' to mean and include all the main/major and allied/ancillary subjects of the qualifying degree and marks secured in those subjects taken for classification for class awarding purpose alone shall be taken for ranking purpose. Therefore, the prospectus is clear that all the subjects in the qualifying examination should be main or major and allied or ancillary subject to the main or major subject. The five subjects noted above cannot be stated to be either allied or ancillary subjects to the main subject namely mathematics, in which, the first respondent had obtained a degree.

15. Therefore, the prospectus clearly states that those subjects, which are allied or ancillary subjects to the main subject alone should be taken into consideration. The first respondent rightly excluded the above five subjects, as they have nothing to do with the main subject and as they are taught by institutions for overall development of a candidate. Probably, the appellant institution does not have such courses, which are normally offered in various universities and in fact, such credit courses/subjects not relatable to the main subject are offered even in the Tamil Nadu National Law University, Trichy.

16. It is not clear as to whether the appellant - University has made a thought process on those lines, because to attract young talent to the university, there should be a bouquet of courses available for students so as to enable them for overall development. Thus, the need of the hour is not only good academic coaching in the subjects relatable to law, but other subjects also, which would help in the overall development of students to make them better prepared for the profession of law.

17. The first respondent studied in a deemed to be university established under Section 3 of the said Act and we find that the institution offered the subjects namely First Aid and Safety, Soft Skill Development I and II and Foundation Courses in both Value Education and Environmental Studies, which are, admittedly, in no way connected with the graduate program in mathematics. The case on hand is an eye opener for the appellant - University to think on different lines so as to enable overall development of students. For the above reasons, we are of the considered view that the first respondent herein could not have been denied admission.

18. Accordingly, the writ appeal fails and is dismissed. The appellant - University is directed to admit the first respondent herein within one week from today without waiting for the certified copy of this order. Consequently, the connected CMP is closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

- 1.The Director,
Directorate of Legal Studies, Chennai-10.
- 2.The Registrar,
Tamil Nadu Dr.Ambedkar
Law University,
Poompozhi, No.5,
Dhinakaran Salai, Chennai-28.
- 3.The Coordinator of 3 Years LLB
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Tamil Nadu Dr.Ambedkar Law
University, Poompozhi, No.5,
Dhinakaran Salai, Chennai-28.

+1cc to Mr.V.Vasanthakumar, Advocate Sr.18462

WA.No.567 of 2019 &
CMP.No.4868 of 2019

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