

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 33117 of 2019

C. Raja

...Petitioner

-vs-

The Registrar,
Tamil Nadu Dr.Ambedkar Law University,
Taramani,
Perungudi,
Chennai 600 113.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to accept the Petitioner's application and avail him the seat in the respective college where he would fall in to the category of Rank list as per the cut off marks (77%) obtained in merit as per his Post Graduation Marks Percentage.

For Petitioner : Ms.SM.Kothai Muthu Meenal

For Respondent : Mr.V.Vasanthakumar, Standing Counsel

O R D E R

Heard Ms. SM. Kothai Muthu Meenal, Learned Counsel for the Petitioner and Mr. V. Vasanthakumar, Learned Standing Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who had secured 65.8% in the qualifying examination in the Bachelor's Degree course, had applied for 3 year LL.B., Degree Course for the academic year 2019-2020 conducted by the Respondent and he was unsuccessful in the selection as the mark secured by him in the Bachelor's Degree course did not fall within the cut off mark for 66.142% for B.C. (others) category to which he belongs. The grievance of the Petitioner sought to be ventilated is that he had secured 77%

marks in the Post Graduation Course which ought to have been considered by the Respondent for the selection and the Writ Petition has been filed seeking to take into account the said marks in the Post Graduation Course instead of the marks secured in the Bachelor's Degree Course and select him.

3. The Respondent has filed Counter Affidavit contending, inter alia, that having regard to the educational qualification prescribed in the prospectus for that course, the marks secured in the Bachelor's Degree Course would alone have to be taken into account for selection of the competing candidates and it would be extraneous to consider the marks secured by the candidate in the Post Graduation Course. It is further stated that such eligibility criteria that has been followed for admission is as per the Bar Council of India Regulations, 2009, and State Government norms.

4. In this context, reference may be made to relevant clause in the prospectus, which reads as follows:-

"(a) Educational Qualification: Candidates should have passed any Bachelor's Degree Course (Regular/Private/OUS) of any University recognized by University Grants Commission and should have secured not less than 45% of marks (in aggregate). Candidates belonging to SC/ST communities should have secured 40% marks in aggregate in the qualifying degree course."

On a bare perusal of the same, it is evident that it is only the marks secured by the candidates in the Bachelor's Degree Course that would be relevant, as contended by the Respondent, and on the contrary, there is nothing even to infer therefrom that the marks obtained by them in any Post Graduation Course could be considered, as sought by the Petitioner. It is trite law that the conditions mentioned in the prospectus issued by the Educational Institution for admission of candidates for the course of study is sacrosanct and binds all concerned. In any event, it is also not the case of the Petitioner that resorting to selection on the basis of marks in the Bachelor's Degree Course would amount to any discrimination or unreasonableness or arbitrary action vitiating the admission process. It is equally settled legal position that even when two or more views are possible, the High Court exercising powers of Judicial Review under Article 226 of the Constitution, is only concerned with the decision-making process and cannot substitute the decision of the Educational Experts suggesting some other course of action to be adopted and that too, just to suit the convenience of one who would not otherwise get selected, when the declared norms are applied. It is needless to point out here that such deviation, if accepted, would only result in disrupting the

level playing field amongst the competing candidates, especially whom the admission process has already been completed as per the declared norms. As such, it is not possible to entertain the claim made by the Petitioner in the Writ Petition or grant the relief sought by him.

5. In the result, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssi/vjt/sj

To

The Registrar,
Tamil Nadu Dr. Ambedkar Law University,
Taramani,
Perungudi,
Chennai 600 113.

+1cc to Mr.V.Vasanth Kumar, Advocate, S.R.No.104833

+1cc to M/s.SM.Kothai Muthu Meenal, Advocate, S.R.No.104728

सत्यमेव जयते

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RN(09/06/2020)

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