

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.01.2019
CORAM:
THE HONOURABLE MR. JUSTICE T. RAJA
WP No.33553 of 2018

Thangaraja

..Petitioner

Vs

1. The Vice Chancellor
Tamil Nadu Dr. Ambedkar Law University
Poompozhil,
No.5, Dhinakaran Salai, Chennai - 28
 2. The Director
Directorate of Legal Studies
Kilpauk, Chennai - 10
 3. The Co-ordinator of 3 year L.L.B. Degree Course 2018-2019
Tamil Nadu Dr. Ambedkar Law University
Poompozhil
No.5 Dinakaran Salai, Chennai - 28
 4. The Registrar
Karpagam Academy of Higher Education
(deemed to be University)
Pollachi Main Road
Eachanari Post, Coimbatore -21
- ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, 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 Petitioner : Mr.A.K. Gopalan

For Respondents : For R1 & R3 - Mr. L.P. Shanmugha Sundaram
(Standing Counsel)

For R2 - Mr. V. Kadhivelu
(Special Government Pleader)

For R4 - Mr. S. Saravanan

O R D E R

The writ petitioner namely, Mr.Thangaraja, having completed his +2 School studies in K.A. Higher Secondary School, Arumuganeri in the year 2015 and also completed B.Sc (Mathematics) in the year April 2018 in Karpagam Academy of

Higher Education at Coimbatore, has secured 65.15% in overall 40 subjects. However, along with the allied and major subjects, he has secured 66.724% in 28 subjects. It is to be noted that the total marks secured by the petitioner in 28 subjects (21 major subjects and 7 allied subjects) is 1935 marks out of 2900 marks as subject "Project and Viva Voce" carries 200 marks, therefore, for the purpose of calculation, instead of 28 subjects, this Court considers it as 29 subjects.

2. The learned Counsel for the petitioner would submit that the petitioner belongs to Hindu Thokkalavar Community, which falls under the Most Backward Class (MBC). He aspired to become an Advocate. When the Directorate of Legal Studies, Kilpauk, Chennai, the 2nd respondent herein issued Law College Admission Notification for the Academic year 2018-2019 on 27.05.2018, the writ petitioner has applied for 3 years LLB Degree Course for Law studies in July, 2018, by paying a sum of Rs.500/- through a Challan to the Vice Chancellor, Tamil Nadu Dr. Ambedkar Law University, Chennai, the 1st respondent herein. As he has secured 65.15% in overall subjects, he has also sent a filled in application Form with copies of the certificates to the office of the 1st respondent. In Column No.12(I) of the OMR application, seeking the details of qualifying examination for eligibility purpose, he has mentioned total percentage of all subjects as 65.15%.

3. The learned Counsel for the petitioner again submitted that in B.Sc (Mathematics) Graduation, totally there are 40 subjects, and each subjects carries maximum mark of 100. But, the petitioner has secured 2606 marks, out of 4000 maximum marks and the total marks secured by him namely 2606 is divided by 40 subjects, it comes to 65.15% and if it is divided by 29, then the percentage comes to 66.724%. Therefore, he has also mentioned the total percentage of all major and allied subjects as 66.724% in Column No.12(II) of the OMR Sheet.

4. The learned Counsel for the petitioner further submitted that as the petitioner belongs to Most Backward Community, for the reason that, if he had secured 66.724% Rank percentage for admission, in view of the cut off marks fixed by the 1st respondent for his category namely 66.650%, the petitioner stands eligible as he has secured 66.724%. But, he was denied the admission for no reason. The petitioner was called for counseling on 05.12.2018 vide letter proceedings in Lr.No.1999/Law Admissions 2018-2019 for 3 years dated 28.11.2018. On receipt of the same, the petitioner went to the 1st respondent office on 05.12.2018, for attending the counseling for the selection of Chennai, Tirunelveli, Ramanathapuram and Tindivanam (Private College). His name also called for by the Co-ordinator, Tamil Nadu Dr. Ambedkar Law University Chennai, for 3 years LLB Degree Course 2018-2019, the 3rd respondent herein, to produce all the original certificates

for verification. The officers of the 3rd respondent office verified the SSLC certificate, HSC Mark Statement, Community Certificate, Conduct Certificate and Degree/provisional Certificate with Consolidated marks statement. But the 3rd respondent disagreed with the petitioner for calculation of entire marks to arrive at the cut off marks. Since, the 4th respondent namely the Registrar, Karpagam Academy of Higher Education Coimbatore grants marks as Grade wise and not marks with percentage, the petitioner tried to convince the officers of the 3rd respondent with the support of the consolidated mark statement, stating that he has got total marks of 2606 out of 4000 marks. He has also further explained that the total marks of 2606, if divided by 40 subjects, the petitioner secured 65.15%. For the purpose of ranking, if the major and allied subjects are properly and jointly calculated, the petitioner has got 1935 marks out of total marks of 2900 marks.

5. The learned Counsel for the petitioner has also argued that, when the total marks of 1935 is divided by total 29 subjects as one subject, namely, "Project and Viva Voce", carries 200 marks, the percentage of the petitioner is 66.724%. Again, the respondents have not appreciated the case of the petitioner and he was denied admission into the Law College and he has been advised to approach this Court seeking writ of mandamus directing the respondents 1 to 3 to admit the petitioner for studying 3 years L.L.B Degree Course 2018-2019 in Tamil Nadu Dr. Ambedkar Law University, Chennai.

6. This Court being convinced by the explanation offered by the counsel appearing for the petitioner and also the marks secured by the petitioner that he has secured the total 1935 marks, out of 2900 maximum marks and if it is divided by 29, his percentage is being 66.724%, which is above the cut off marks in Most Backward Community, directed the respondents to explain why the petitioner was refused admission.

7. When the matter was posted for getting answer by the 1st respondent Law University, Mr. P. Kannan, Chairman also came and explained to this Court that since the Mark statement issued by the 4th respondent does not mention the correct marks, but only shows the grade system, the Registrar, Karpagam Academy of Higher Education, the 4th respondent also submitted that they have clearly tabulated 3 parts as follows

- I PART - Language subject
- II PART - English subject
- III PART - Other major subjects

On the basis of marks obtained by the petitioner in Part III, he has been graded total cumulative Grade Point Average 6.23 and he comes under the Second Class.

8. No counter affidavit has been filed by the Vice Chancellor of the Tamil Nadu Dr. Ambedkar Law University, Chennai. However, points for consideration has been filed by the Law University. Since the mode of selection of candidates for 3 years LLB degree Course will be based on the percentage of marks obtained by the candidates in aggregate of all the subjects in qualifying degree examination, excluding languages, as per the Rules, when the petitioner's candidature was examined during the verification, he has produced the consolidated statement of marks with Grade issued by the Controller of Examination of Karpagam Avademy of Higher Education. A perusal thereof clearly shows that the petitioner has secured total Cumulative Grade Point Average (CGPA) as 6.23 only. Since the cut off marks for Most Backward Community is 66.650 % in the merit list in the fourth counseling session held on 05.12.2018, the petitioner was also instructed during the counseling session to get a certificate for the range of percentage of marks for the second class from the Controller of Examination of Karpagam Academy of Higher Education. But, he has not produced any certificate in this regard. Therefore, his Cumulative Grade Point Average (CGPA) as 6.23 was not taken into consideration.

9. The crux of the issue is, a candidate who applies for Law admission has to possess minimum cut of marks as prescribed below:-

SL.N O	CATEGORY	CUT OFF MARKS		COUNSELLING DATE AND TIME
		MERIT LIST	WAIT LIST	
1	ST	55.476	-	05.12.2018 12.00 PM
2	SC (Arunthathiyar)	61.814	61.409	
3	SC (Others)	66.455	65.796	
4	MBC/DNC	66.650	65.964	
5	BC (Muslim)	64.270	64.000	05.12.2018 12.00 PM
6	BC (Others)	66.042	65.545	

Since the petitioner belongs to Most Backward Class Category, it has to be seen whether he has secured the cut off marks 66.650 or more. It is very easy to find out the total marks and the ultimate cut of marks. As per the Coding Sheet for admission for 3 years LLB Degree Course issued by Tamil Nadu Dr. Ambedkar Law University, Chennai, for admission for the academic year 2018-2019, Column No. 12 deals with the details of qualifying examination, more particularly 12 (ii) for Ranking purpose says that aggregate of marks in major and allied subjects alone will

be taken into consideration for the purpose of ranking.

10. In the case on hand, the petitioner has studied the following main subjects and the details of marks secured by him are as follows.

SL.NO	SUBJECTS/PAPERS	MAX. MARKS	MARKS SECURED	MONTH & YEAR OF PASSING
1	Matrices and classical Algebra	100	53	November 2015
2	Calculus	100	55	November 2015
3	Differntial Equations and Laplace Tranfoms	100	58	April 2016
4	Trigonometry	100	52	April 2016
5	Mechanics	100	61	November 2016
6	Statistics	100	68	November 2016
7	Vector Analysis and Transforms	100	57	April 2017
8	Operation Research	100	64	April 2017
9	Analytical Geometry	100	60	April 2017
10	Real Analysis -1	100	68	November 2017
11	Complex Analysis -1	100	58	November 2017
12	Matlab Programming	100	65	November 2017
13	Discrete Mathematics	100	59	November 2017
14	Numerical Methods	100	61	November 2017
15	Numerical Methods Practical	100	86	November 2017
16	Real Analysis -II	100	77	April 2018
17	Complex Analysis-II	100	66	April 2018
18	Modern Algebra	100	69	April 2018

SL.NO	SUBJECTS/PAPERS	MAX. MARKS	MARKS SECURED	MONTH & YEAR OF PASSING
19	Fuzzy Sets and its applications	100	66	April 2018
20	Project and Viva Voce	200	179	April 2018
21	Statistics-Practical	100	87	November 2016

11. The petitioner has also studied the following allied subjects and the details of marks secured by him are as follows.

SL. NO	SUBJECTS/PAPERS	MAX. MARKS	MARKS SECURED	MONTH & YEAR OF PASSING
1	Allied Physics - I	100	61	April 2016
2	Allied Physics - I Practical	100	63	November 2015
3	Allied Physics -II	100	66	April 2016
4	Allied Physics-II Practical	100	79	April 2016
5	Introduction to Accounting	100	75	November 2016
6	Introduction to Computers	100	55	November 2016
7	Cost and Management Accounting	100	67	April 2017

For the purpose of ranking, if correctly followed the criteria mentioned in the coding sheet for admission of 3 years LLB Degree Course issued by Tamil Nadu Dr. Ambedkar Law University, Chennai, for the academic year 2018-2019, only the marks obtained by the petitioner in major and allied subjects alone should be taken into consideration. Therefore, if all these 28 subjects, namely 21 main subjects and 7 allied subjects, are calculated, the petitioner has secured 1935 marks out of 2900 maximum marks. If that is divided by total 29 as the subject "Project and Viva Voce" carries 200 marks, then it comes to 66.724%. Since the cut off marks fixed by the Law Admission Committee for Most Backward Class is 66.650%, the petitioner, having secured more than the above cut off marks, is entitled to

get admission. But, this procedure has not been properly followed. It is regret to mention herein that the Admission Committee could have carefully considered the marks secured by the poor petitioner, which has not been done so. As a result, the poor petitioner has been driven from pillar to post seeking to decide his eligibility for admission, that could have been considered by the law Admission Committee.

12. In the light of the above discussions, the writ petition is allowed and the respondents 1 to 3 are directed to admit the petitioner for 3 years LLB Degree Course in Tamil Nadu Dr. Ambedkar Law University, Chennai for the academic year 2018-2019 forthwith. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrn/jrl

To

- 1.The Vice Chancellor
Tamil Nadu Dr. Ambedkar Law University
Poompozhil,
No.5, Dhinakaran Salai, Chennai - 28
- 2.The Director
Directorate of Legal Studies
Kilpauk, Chennai - 10
- 3.The Co-ordinator of 3 year L.L.B. Degree Course 2018-2019
Tamil Nadu Dr. Ambedkar Law University
Poompozhil
No.5 Dinakaran Salai, Chennai - 28

+3ccs to Mr.A.K.Gopalan, Advocate, S.R.No.1511
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.1601
+1cc to the Government Pleader, S.R.No.1909
+1cc to Mr.S.Saravanan, Advocate, S.R.No.1567

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