



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20319 of 2019

and

W.M.P(MD)No.16932 of 2019

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Jawaharsrinath V

... Petitioner

vs.

The Chairman,
Law Admissions 2019-20,
The Tamil Nadu Dr. Ambedkar Law University,
'Poompozhi', Dr.DGS Dhinakaransali,
R.A Puram,
Chennai - 600 028.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to call for the counseling by calculating petitioner's percentage of marks obtained in language degree examination as per Para V (ii) of prospectus and select him for Law Admissions 2019-20.

For Petitioner : Mr.L.Rajiah

For Respondent : Mr.V.Meenakshi Sundaram

ORDER

Mr.L.Rajiah, learned counsel on record for writ petitioner and Mr.V.Meenakshi Sundaram, learned Standing Counsel for Dr.Ambedkar Law University on behalf of lone respondent are before this Court.

2.With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3.This Court passed an interim order in W.M.P(MD)No.16932 of 2019 in this Writ Petition on 20.09.2019. This interim order encapsulates and captures the entire theme of this lis and therefore, this Court deems it appropriate to extract the entire order and the same reads as follows:

'Writ Petitioner is an aspirant qua three years

Law Degree course in the respondent University. Crux



and gravamen of the case of the writ petitioner is articulated in paragraph Nos.2 and 3 of the affidavit filed in support of the writ petition and the same read as follows:

'2.I humbly submit that I applied on 22.07.2019 for 3 years Law degree course through the Tamilnadu Dr.Ambedkar Law University after passed my degree examination B.A., English. As per Para V(ii) of the prospectus, it is mentioned that in case where the language alone is the subject of qualifying examination, the percentage of marks obtained by the candidate in the said examination may be taken into account G.O.Ms.No.83 Law (LS) Department, dated 19.04.2007.

3.I humbly submit that I scored a percentage of 68.09 in B.A., Eng.Lt.degree examination. However the percentage of my score has not been taken account as per their counselling merit and waiting list. If it was so then my name would have been come in waiting list in the BC category.'

2. The statement of Marks and Grades of the writ petitioner in the qualifying examination (as contained in the typed set of papers forming part of the case file) reads as follows:

H. A. ENGLISH SEMESTER

STATEMENT OF MARKS AND GRADES
CHOICE BASED CREDIT SYSTEM

The candidate is declared to have Passed only when 80% or more are Pass Credits.

[Signature]
Signature of the Complainant

THE CHALLENGE

CONTROLLER OF EXAMINATIONS



3. Relevant clause in the prospectus, which is applicable for the writ petitioner is clause V(ii) and the same reads as follows:

'V.MODE OF SELECTION:

(i).

(ii) Selection for the candidate applying for L.L.B. Degree Course will be based on "the percentage of marks obtained by the candidates in aggregate of all 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 in the said examination may be taken into account" (G.O.Ms.No.83 Law (LS) Department dt.19.04.2007.

"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.'

4. A perusal of Clause V(ii) of the prospectus reveals that it talks about two categories viz., a category of Students where language alone is the subject of qualifying examination and other Students. Going by the language in which aforementioned V(ii) is couched, other students is the former and students with the language alone being the subject of qualifying examination is the latter. In the instant case, the writ petitioner falls under latter.

5. In latter category, the expression 'all of subjects in the qualifying degree examination' which finds place in the former is passing. Therefore, explanation of expression of subjects in the qualifying examination does not apply to latter. This takes to the application form submitted by the writ petitioner. Serial No.12 of the application form is relevant and the same is as follows:



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12. Details of Qualifying Examination

i) For Eligibility Purpose:

Overall Total Marks (All subjects including languages)	Percentage of Marks (All subjects)
Maximum Marks	
4200	
Marks Obtained	
2868	68.095

ii) For Ranking Purpose:

Aggregate of Marks in Major and Allied subjects only	Percentage of Marks (Major and Allied)
Maximum Marks	
2500	
Marks Obtained	
1631	65.24

13. Special Reservation

6. From the narrative thus far, it appears *prima facie* that writ petitioner has made an error in filling up the application form. As students falling in the latter category, there will be no distinction between 12(i) and 12(ii). Distinction between 12(i) and 12(ii) of application form will apply only to students who fall in the former category.

7. It therefore *prima facie* comes to light that percentage of marks which has to be taken into account for the rank list, which will decide the fate of a student being called for counselling, in the instant case should be 68.095 and not 65.24.

8. If it is 68.095, there is no dispute that



the writ petitioner who falls under Backward Class Category (BC) will have to be called for counselling.

9. Mr.V.Meenakshi Sundaram, learned Standing Counsel for the respondent University, who has accepted notice on behalf of the sole respondent seeks time to respond.

10. It is submitted without any disputation or disagreement that counselling commences on Monday i.e., on 23.09.2019.

11. As prima facie case has been made out, there shall be an interim direction, directing the respondent University to allow the writ petitioner to participate in the counselling by construing 68.095 as cut off for the writ petitioner.

12. Though obvious, it is made clear that writ petitioner participating in the counselling pursuant to this interim order and outcome of same is subject to outcome of the instant main writ petition.

13. List the writ petition and writ miscellaneous petition on 03.10.2019 in the motion list.'

4.Today, a counter-affidavit has been filed by lone respondent. Most relevant part of the counter affidavit is contained in paragraphs 9 and 10 which reads as follows:

'9.It is humbly submitted that the contents of the Government Order (G.O.Ms.No.83, Law (LS) Dept., dated 19.04.2007) towards selection of the candidate for LLB Degree Course is as follows:

'the percentage of marks obtained by the candidates in aggregate of all subjects in the qualifying degree examination, excluding languages, may be taken into account. In case where the language along is the subject of the qualifying examination, the percentage of marks obtained by the candidate in the said examination may be taken into account.'

* All the subjects in the qualifying examination 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.

10.It is humbly submitted that the petitioner had pursued B.A (English) Literature and the marks scored by him computed in the consolidated mark statement describes five distinct parts.

Part-I

Consists of Tamil as a language wherein he has scored 299 out of 400 -75.75%.



Part-II

Consist of English as a language. The petitioner has scored 271 out of 400 - 67.75%.

Part-III

Consist of the major and allied related to the specialisation, wherein he has scored 1631 marks out of 2500 marks - 65.24%.

Part-IV

Covers neither language nor subjects related to main and the petitioner has scored 569 marks out of 800 marks - 71.125%.

Part-V

The Nation Service Scheme (NSS) alone is described as a subject of extension activity and the petitioner has been awarded 90 marks out of 100 - 90%.

5. In the light of the core contention in counter affidavit this Court finds that there is no ground much less compelling ground to depart from its earlier interpretation of V(ii) of prospectus in the interim order.

6. Be that as it may, there is no disputation or disagreement that there is no Intra-Court appeal against the aforesaid interim order dated 20.09.2019. On the contrary, interim order has been given effect to. This Court is informed that writ petitioner attended the counseling pursuant to the aforesaid interim order and he has also been given 'Provisional Allotment Letter'.

7. There is no disputation or disagreement that admissions are underway and all seats have not been filled up as of today in Government Law College, Dharmapuri.

8. It is submitted that fee was not received solely owing to the pendency of this Writ Petition.

9. Therefore, this Writ Petition is disposed of directing the sole respondent, who in turn shall direct the Principal of Law College, Dharmapuri to receive the fee from writ petitioner, by issuing necessary letter in this regard. This exercise shall be completed by the lone respondent as well as Principal of Government Law College, Dharmapuri by 15.10.2019.

10. There is no disputation or disagreement that Government Law College, Dharmapuri is affiliated to the lone respondent University and therefore, it follows that Government Law College, Dharmapuri will remain bound by any orders made against lone respondent. However, Registry is directed to communicate a copy of this order to the Principal of Law College, Dharmapuri, which is affiliated to Dr. Ambedkar Law University ie., lone respondent herein. On production of a copy of this order, directives herein shall be duly



Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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// True Copy //

Sub Assistant Registrar(CS)

ps
To

The Chairman,
Law Admissions 2019-20,
The Tamil Nadu Dr. Ambedkar Law University,
'Poompozhi', Dr.DGS Dhinakaransali,
R.A Puram,
Chennai - 600 028.

Copy To:

The Principal,
Government Law College,
Dharmapuri.

+1 cc Mr.L.RAJIAH ,Advocate, SR.No.91519
+1 cc Mr.D.NALLATHAMBI ,Advocate, SR.No.91549

**W.P (MD) No.20319 of 2019
04.10.2019**

KK/SAR/04.10.2019/8P-5C/