



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM

THE HONOURABLE JUSTICE M.SUNDAR

W.P(MD)No.20520 of 2019

and

W.M.P.(MD)No.17151 of 2019

S.Ganesan

... Petitioner

Vs.

1.The Chairman,
Law Admissions 2019-2020,
The Tamil Nadu Dr.Ambedkar Law University,
Poompozhi, No.5, Dr.DJS Dinakaran Salai,
Chennai-600 028.

2.The Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
Poompozhi, No.5, Dr.DJS Dinakaran Salai,
Chennai-600 028.

3.The Directorate of Legal Education,
Door No.198, Kulasaivakkam High Road,
Paavapuri Colony, Lumbini Square,
Purasaivakkam, Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Mandamus, directing the respondents to permit the petitioner to participate on behalf of his son G.Karthikeyan in the Counseling into three years LLB Course under Law Admissions 2019-2020 to be conducted on 23.09.2019 or any other subsequent date and to consider the candidature of the petitioner's son G.Karthikeyan for admission in any of the Law Colleges in Tamil Nadu.

For Petitioner: Mr.G.Prabhu Rajadurai

For R-1 & R-2 : Mr.V.Meenakshi Sundaram
Standing Counsel

For R-3 : Mr.Ayiram K.Selvakumar
Additional Government Pleader



ORDER

Mr.G.Prabhu Rajadurai, learned counsel on record for writ petitioner, Mr.V.Meenakshi Sundaram, learned Standing Counsel for 'Tamil Nadu Dr. Ambedkar Law University' (hereinafter 'said University' for brevity, clarity and convenience), who accepts notice on behalf of respondents 1 and 2 and Mr.Ayiram K.Selvakumar, Additional Government Pleader (AGP) who accepts notice on behalf of third respondent are before this Court.

2.With consent of aforesaid three learned counsel, main Writ Petition itself is taken up, heard out and is being disposed of.

3.The entire matter turns on a very narrow compass. This Writ Petition was moved by way of Lunch Motion today (23.09.2019).

4.Subject matter of instant Writ Petition pertains to writ petitioner's son 'G.Karthikeyan' (hereinafter 'said candidate' for brevity), who is aspiring to pursue three years LLB Degree Course in one of the Colleges affiliated to said University .

5.Said candidate applied for admission for three years LLB Course commencing from the Academic Year 2019-2020. This Court is informed that writ petitioner has completed Bachelors degree in Computer Application from Bharathidhasan University.

6.It is submitted without any disputation or disagreement that on scrutiny of said candidate's application, the score of the said candidate was arrived at as 67.333. It is also not in dispute that said candidate falls under Most Backward Community (MBC) Category. The cut off score for candidates falling under MBC category is 67.226. Therefore, the position emerges clearly is that said candidate is entitled to attend Counseling for choosing one of the available Colleges.

7.So far so good, but what now intervenes qua said candidate attending counseling is the consequence of an occurrence which is said to have happened on 29.08.2019. It is submitted that on 29.08.2019, there was an incident in Kappaloor Tollgate within Thirumangalam Town Police Station limits in Madurai. This Court is informed that there was an altercation regarding payment of Toll that ended in a scuffle, wherein, one of the passengers in a car, who could not leave the place of occurrence along with others, had fired in the air with a pistol to scare away people, who were attempting to nab him. To be noted, this is in the First Information Report and it is nobody's case that the person, who



fired in the air is said candidate.

8.In the aforesaid backdrop, the Police were looking for said candidate on the assumption that he was in the car which was part of the aforesaid occurrence on 29.08.2019 and on coming to know that Police is looking for him said candidate voluntarily surrendered on 17.09.2019.

9.An F.I.R has been registered in the aforesaid Police station and the same is FIR No.405 dated 29.08.2019.

10.The sequel is, said candidate is now incarcerated owing to voluntary surrender on 17.09.2019. Under such circumstances, it is submitted that a Counseling letter dated 16.09.2019 was received from the first respondent and that it was received by the said candidate's father (writ petitioner) only on Friday i.e., 20.09.2019. It is also submitted that this is what has necessitated instant writ petition being moved urgently by way of Lunch Motion. The Counseling letter dated 16.09.2019 has fixed counseling session for said candidate on 23.09.2019 (today) at 02.00 p.m. This Court is informed that writ petitioner (said candidate's father) is now at the venue. The limited plea before this Court now is that the said candidate's father (Writ petitioner) may please be permitted to attend the counseling on behalf of said candidate.

11.Responding to the aforesaid, learned counsel for University submitted that in case of medical exigencies, candidates have been permitted to be represented by an authorised representative or a parent, but such a situation had not unfurled earlier.

12.State counsel for third respondent submits that counseling is a matter between the University and the petitioner.

13.In the aforesaid backdrop, there is nothing to demonstrate that pendency of the First Information Report is a bar for admission into the aforesaid course.

14.Be that as it may, in instant writ petition, writ petitioner's plea is only with regard to attending counseling and the plea is limited to permit said candidate's father representing him in the counseling.

15.All other aspects of the matter will unfurl only if one of the available Colleges is chosen by the said candidate's father in the counseling today, tomorrow or any other subsequent day



depending on when gets his turn. Therefore, it is made clear that all issues and question in this regard are left open.

16.This Court is left with the considered view that it would be appropriate to accept the plea and permit the said candidate's father (Writ petitioner) to attend the Counseling today for reasons that shall be articulated infra in the paragraphs that follow.

17.There are three aspects of the matter which have weighed in the mind of this Court for arriving at aforesaid considered decision. One aspect is, as already alluded supra, said candidate was not in India for two years between April 2017 and March 2019. To be noted, it is submitted by learned counsel appearing for writ petitioner that said candidate was not in the Country at all between April 2017 and March 2019. This Court is also informed that said candidate was employed in Saudi Arabia (middle east) between April 2017 and March 2019. In other words, it is the specific case of learned counsel appearing for writ petitioner that said candidate was not in India for nearly two years and he returned to India only in March 2019 after working there. The second aspect of the matter is there is only an F.I.R and said candidate is not named in the First Information Report. Third aspect is writ petitioner's son (said candidate) has voluntarily surrendered on 17.09.2019, on coming to know that the Police is looking for him.

18.Adverting to letter dated 20.09.2019 from said candidate, learned counsel appearing for writ petitioner submits, on instructions, that any action done or any other decision taken by writ petitioner in the Counseling will bind said candidate or in other words, said candidate will remain bound by any decision taken or any act done by writ petitioner in the counseling today. The said candidate being represented by his father will not give any special privileges in the Counseling and he will be treated as any other candidate who is attending the Counseling.

19.Learned Standing Counsel for University undertakes to communicate this order to respondents 1 and 2 without waiting for the certified copy of the order to ensure compliance.

20.To be noted, though obvious if the Counseling spills over to tomorrow and any other date, writ petitioner will be permitted to participate on any such said date depending on when said candidate gets his turn.

21.This order shall not be cited as a precedent as this is an order that is being passed on the peculiar facts and



circumstances of the instant case and in the light of the trajectory the hearing has taken today.

22.This Writ petition is therefore disposed of, directing the respondents 1 and 2 to permit the writ petitioner G.Ganesan, to represent G.Karthikeyan (Application No : AL C31903380) in the ongoing counseling today (23.09.2019) for admission in Three years LLB Degree Course and act on behalf of G.Karthikeyan, with regard to all that is required to be done in the Counseling. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

The Directorate of Legal Education,
Door No.198, Kulasaivakkam High Road,
Paavapuri Colony, Lumbini Square,
Purasaivakkam, Chennai-600 010.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-88635[F] dated 23/09/2019)

+1 CC to M/s.V.MEENAKSHISUNDARAM, Advocate (SR-88802[F] dated 24/09/2019)

Order made in

W.P (MD) No.20520 of 2019
23.09.2019

tsg

JMN(24.09.2019) 5P : 4C