



WEB COPY

W.P(MD)No.21251 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21251 of 2019

and

W.M.P(MD)No.17912 of 2019

S.Ganesan

... Petitioner

vs.

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

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

3.The Principal,
Government Law College,
Ramanathapuram - 623 536.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the third respondent to receive the admission fees for the three years LLB Course under Law admissions 2019-2020 from the petitioner on behalf of his son G.Karthikeyan and grant admission to the petitioner's son in the third respondent College.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R - 1	: Mr.V.Meenakshi Sundaram
For RR 2 & 3	: Mr.Aayiram 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 Dr.Ambedkar Law University, who accepts notice on behalf of first respondent and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 2 and 3 are before this Court.



2.Considering the narrow scope on which instant Writ Petition now turns, main writ petition is taken up, heard out and is being disposed of with consent of all the aforesaid counsel.

3.Writ petitioner's son encountered difficulty in attending the counseling for three years LLB Course in the first respondent University owing to which writ petitioner approached this Court by way of a Writ Petition being W.P(MD)No.20520 of 2019 which was disposed of (after hearing both sides) on 23.09.2019. This order of this Court in that Writ Petition encapsulates and captures the crux and gravamen of this case and therefore, this Court deems it appropriate to extract that entire 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.



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.'

4. There is no disputation or disagreement that there is no Intra-Court appeal against the aforesaid order dated 23.09.2019. There is also no disputation or disagreement that the aforesaid order was given effect to. In other words, writ petitioner was permitted to represent his son and attend the counseling on 23.09.2019 and this Court is informed that writ petitioner's son was issued a 'Provisional Allotment Letter' dated 23.09.2019 stating that writ petitioner's son has been provisionally selected and allotted three year LLB Degree Course for the Academic Year



2019-20 in Government Law College, Ramanathapuram. The said Provisional Allotment Letter is as follows:

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The Tamil Nadu Dr. Ambedkar Law University

(State University Established by Act No.43 of 1997)

"Pooduvahil", No.5, Dr. D.G.K. Dharmaraj Salai, Chennai - 600 018
Telephone No. 044 - 2464 1515. Website: www.tnalu.ac.in

Prof (Dr.) D. SANKAR
Chairman, Law Admissions 2019-20

Law Admissions 2019-20

Date: 23/09/2019

Appln. No. : ALC1100380
Name : G.KARTHIKEYAN
Community : MICRON
Allotted Category : MICRON



Provisional Allotment Letter 1 Year LL.B. Degree Course

This/Our Self G.KARTHIKEYAN is provisionally selected and allotted to the First year of the 1 Year LL.B. Degree Course, for the Academic year 2019-20 in the Govt. Law College, Ramanathapuram.

He/She should remit a sum of Rs.1520 (Rupees One Thousand five Hundred and Twenty only) in the University cash account and produce the counter bill at the Law College where he/she got the allotment. The candidate is informed to surrender the following original documents to the Principal of the allotted Law College during admission.

1. SSLC Mark Statement or Mark Statement of equivalent examination.
2. HSC Mark Statement or Mark Statement of equivalent examination.
3. All Semester mark statement & corresponding mark statement of qualifying Degree.
4. Degree/ Provisional certificate of the qualifying Degree examination.
5. Transfer Certificate and Character Certificate.
6. Community Certificate (if applicable).
7. Relevant Certificates as per the claim of Special Category. (If applicable).
8. Joint declaration form signed by the parent and the candidate. (Refer Annexure-VIII in the Information Bulletin).
9. Affidavit by the student and Parent/Guardian in the prescribed format. (Refer Annexure-IX & X in the Information Bulletin).
10. 5 Nos. of Self addressed stamped envelopes for a value of each Rs.50.
11. Two passport size photographs.

The provisional allotment is subject to the University regulations and rules prescribed by the Government. The Government and the University reserves the right to cancel the admission at any time for valid reasons.

CHAIRMAN

Law Admissions 2019-20

NOTE:

1. The Candidate is required to appear before the Principal of the allotted Law College for admission after 5 days from the date of the allotment order published on 23/09/2019.
2. The candidate is required to remit the prescribed fee at the college towards admission & other fees.
3. Students are required to wear the following uniform compulsorily:
MALE : White full length shirt, Black formal pant, Black Shoes.
FEMALE : White Saree (up to knee level), Black Saree bottom and Black Waist Coat.
(Jeggings and Tight are strictly prohibited).



5.The difficulty now is regarding remittance of fees and surrendering the original certificates as per the Provisional Allotment Letter which has been scanned and reproduced supra.

6.There is also no disputation or disagreement that admissions are continuing and all the seats have not been filled up in third respondent College in aforementioned course.

7.While writ petitioner contends that third respondent did not permit him to make payment of fee on behalf of his son, learned State counsel for third respondent denies this. It may not be necessary to enter into this controversy as this is in the realm of factual matrix as this Writ Petition can be disposed of without going into this factual dispute owing to three aspects which shall be alluded to infra in this order.

8. First aspect is, there is no disputation or disagreement that all formalities, except payment of fees, have been completed.

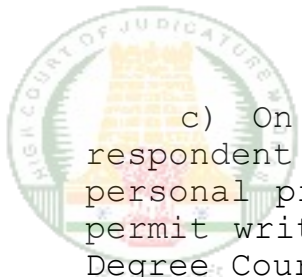
9.Second aspect is admissions are underway or in other words, admissions are continuing and all seats have not been filled up in third respondent College.

10.Third aspect is, this Court is informed without any disputation or disagreement that another Single Judge of this Court has granted bail to writ petitioner's son today (04.10.2019) vide an order in Crl.O.P(MD)No.14296 of 2019. Therefore, it comes to light that writ petitioner's son will be able to attend College when the lectures commence. Pursuant to the order of bail, it may well be possible for writ petitioner's son himself to go over to the third respondent College on the next working day which this Court is informed that 09.10.2019, but the intervening holidays and procedural formalities may consume time and it may or may not be possible for writ petitioner's son to go over to third respondent College on 09.10.2019 is learned Writ Petitioner counsel's say.

11.In the light of narrative thus far, this Court disposes of this Writ Petition by passing the following order:

a) Writ petitioner shall tender the entire fee either by cash or in any other acceptable mode in third respondent College on the next working day which this Court is informed is 09.10.2019 (Wednesday).

b) The aforesaid fee shall be paid along with surrender of original certificates, list of which is adumbrated in the Provisional Allotment Letter which has been scanned and reproduced supra elsewhere in this order.



c) On such tender being made in the aforesaid manner, third respondent shall accept the fee, certificates (without insisting on personal presence of writ petitioner's son G.Karthikeyan) admit and permit writ petitioner's son to pursue the Course namely 3 year LLB Degree Course.

12.Though obvious, notwithstanding specific direction to third respondent, it is made clear that second respondent / Directorate and Director of second respondent Directorate as well as first respondent will also remain bound by the directives of this Court in this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar

To

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

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

3.The Principal,
Government Law College,
Ramanathapuram - 623 536.

+1CC TO MR.D.NALLATHAMBI, ADVOCATE, SR NO.91550
+1CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE, SR NO.91446

W.P (MD) No.21251 of 2019
04.10.2019

PS
MS/04.10.2019/8P.6C