

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.16525 OF 2019

O R D E R

The case of the petitioner is that in response to the notification issued by the 2nd respondent – Consortium of National Law Universities, National Law School of Indian University, she applied for entrance examination i.e., Common Law Admission Test (CLAT), for admission into 5 years B.A. LL.B. course and secured 158th rank with admit card bearing No.119013744. To the CLAT 2019 notification, a note is appended, which reads as under:

“Three additional candidates may be admitted over and above the sanctioned intake both for B.A. LL.B. (Hons.) and LL.M., out of which one shall be offered to the Resident student of Telangana General Category and two seats shall be offered to All India General Category candidates.”

The petitioner is seeking to consider her case for admission to 5 years B.A. LL.B. (Hons.) under the category of 'Resident Student of Telangana General Category, as per the above note.

2. Here it is to be noticed that due to bifurcation of the united State of Andhra Pradesh into State of Telangana and the State of Andhra Pradesh, the reference in the relevant provisions of the statute to 'Andhra Pradesh', shall be construed as reference to 'State of Telangana', as the statutory provisions applicable to the State of Andhra Pradesh, have been adapted to the State of Telangana.

3. Learned counsel for the petitioner submits that as per Section 5-A of the National Academy of Legal Studies and Research University Act, 1998 (for short 'the Act'), reservation is provided to the 'resident students' for admission to B.A., LL.B. and in LL.M. courses offered by the University, subject to qualifying in the CLAT. He submits that Statute-V, framed under Section 10(1)(ii) of the said Act, provides for the procedure for admission against 20% seats reserved for 'resident students' of Andhra Pradesh across all categories in the courses at NALSAR provided for under Section 5-A of the Act. He submits that to come within the purview of definition of 'resident student' of Andhra Pradesh as defined under Section 5.02 (c) of Statute V, a student who or any one of his parents should have resided in the State of Andhra Pradesh for a period of at least four years. He submits that petitioner studied Kindergarten from 2004 to 2006 at Secunderabad; classes 1 and 2 at Hyderabad Public School, Hyderabad during the years 2006-08; during 2008-12 she has studied 3rd to 6th class at Chirec Public School, Hyderabad; and in the year 2019, she passed the 12 standard, i.e., the qualifying exam to write CLAT, at Delhi Public School at R.K. Puram, New Delhi. He submits that the father of the petitioner is an All India service cadre employee of the Government of India, and he studied in Hyderabad from 1963 to 1980. Therefore, the petitioner fits under the category of 'resident student' and hence entitled to be considered for admission to B.A. LL.B. course, in view of the 'note'

appended to CLAT 2019 notification, but the respondents, without considering the said provision in proper perspective, rejected the case of the petitioner on the ground that she did not pass the qualifying examination from the educational institution of Telangana. He submits that this condition i.e., passing the qualifying examination from any educational institution in the State of Telangana, under Section 5.03 of Statute –V, would be superfluous or redundant in view of Section 5.02 (c)(i), which only states that the student or any of his parents who has resided in the State of Andhra Pradesh for a period of four years, can be treated as ‘resident student’. He submits that as per the facts stated above, petitioner clearly falls under the category of ‘resident student’ and she is entitled to be provided with admission. Learned counsel submits that the respondents have provided admission to other candidate under ‘resident student’ category who secured much bigger rank than that of the petitioner. Therefore, he seeks for a direction to set aside the impugned communication rejecting the admission to the petitioner, and consequently direct the respondents to provide admission in 5 years B.A. LL.B. (Hons) in the respondent – University.

4. On the other hand, learned counsel appearing for Sri N.Ashwin Kumar, Standing Counsel for the respondents 1 and 2 – University, submits that as per Section 5.03 of Statute V, a ‘resident student’, in order to be eligible for admission to the course, should have passed the qualifying

examination from any educational institution in the State of Telangana, and should have secured appropriate rank in CLAT. But the petitioner did not pass the qualifying examination i.e., the 12th class, from any educational institution in Telangana, but she has passed the said examination in New Delhi. Therefore, her case cannot be considered and the admission under the 'resident student' category, is provided to other eligible candidate.

5. To appreciate the rival contentions, relevant provisions of the Statute are required to be notice. Section 5-A of the Act, reads as under:

There shall be reservation of seats in the courses in favour of Scheduled Castes, Scheduled Tribes, Physically challenged persons, Women and resident students of Andhra Pradesh as may be prescribed. However, the reservations to be resident students shall be to the candidates who pass qualifying examination in the educational institution in the State and Common Law Admission Test (CLAT) and to the extent of twenty percent of the sanctioned intake of courses in the University.

6. The procedure for admission against 20% seats reserved for resident students of Andhra Pradesh at NALSAR, is provided under Statute V, framed in exercise of powers conferred under Section 10(1)(ii) of the Act. The relevant provisions under Statute –V, are as under:

S5.02. Definitions:

...

(c) "resident student" of Andhra Pradesh means:

- (i) a student who or any one of his parents have resident in the State of Andhra Pradesh for a period of at least four years; or
- (ii) a student who has studied in any one of the educational institution in the State of Andhra Pradesh for a period of not less than four years leading to the qualifying examination.

S 5.03. A resident student, in order to be eligible for admission to the courses, should have passed the qualifying examination from any educational institution in Andhra Pradesh and should also secure appropriate rank in order of merit in the Common Law Admission Test.

7. In consonance with the above provisions, the brochure of the University also provides for information with regard to 'eligibility for admission' the same is extracted as under for ready reference:

Eligibility for admission:

The eligibility is as per CLAT– 2019 Notification. For details see CLAT website.

To be eligible for admission under the Resident student of Telangana Category seats, in addition to complying with the eligibility as per CLAT-2019, candidates must fulfill the following conditions and must secure appropriate rank in order of merit in CLAT– 2019

(i) For admission to 5-years B.A., LL.B. (Hons.) Course - a person who after studying in the State of Telangana for four consecutive years appears for the qualifying examination in the same state (or)

A person who has in the previous ~~seven years~~ resided in the State of Telangana for at least a period of four years, and completed the qualifying examination, i.e., 10+2 or equivalent from the educational institutions in the State of Telangana."

8. A reading of Section 5-A of the Act, clearly states that the reservations to the 'resident students' shall be to the candidates who passed qualifying examination in the educational institutions in the State. In consonance with Section 5-A, procedure for admission against 20% seats reserved for resident students of Andhra Pradesh at Nalsar has been framed under Statute – V. Under 5.02 (c) (i) a student who or any one of his parents has resided in the State of Andhra Pradesh for a period of at least four years, would come under the definition of 'resident student'. But under Section 5.03, for such 'resident student', in order to be eligible for admission to the course, should have passed the qualifying examination from any educational institution in Andhra Pradesh. Therefore, definition of 'resident student' under Section 5.02 (c) (i) cannot be read in isolation, and it has to be conjointly read with Section 5.03 of Statue –V. The

procedure prescribed under Statute –V, is to fulfill the requirement under Section 5-A of the main Act. Accordingly, the procedure prescribed under Statute –V, and also the brochure of the University, which will be furnished to the candidates, makes the position clear that the candidate should pass the qualifying examination in the educational institution in the State i.e., the State of Telangana, to be eligible for admission into the course under ‘resident student category’.

9. Coming to the facts of the present case, the petitioner has not passed the qualifying examination in the educational institution in the State of Telangana to become eligible for admission into the course under ‘resident student category’ as required under Section 5.03 of Statute - V, and hence no exception can be taken to the impugned rejection.

10. For the foregoing reasons, the writ petition is devoid of any merits and the same is accordingly dismissed.

11. Interlocutory applications pending, if any, shall stand closed.

No order as to costs.

A.RAJASHEKER REDDY,J

DATE:07—08—2019

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