

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITION No.17141 of 2019

ORDER:

The prayer of the petitioner in this Writ Petition is as under:

“... to issue a Writ, Order or Direction more particularly one in the nature of a Writ of *Mandamus* declaring the action of the 4th Respondent in not permitting the petitioner to appear for the regular counselling for TS LAW CET 2019 as being illegal, arbitrary, discriminatory and unconstitutional and consequently to direct the 4th respondent to declare the petitioner as eligible for appearing for counselling for TS LAW CET 2019 as satisfying Rules-5 and 7 of the Legal Education Rules, 2008, governed by the 3rd Respondent and pass appropriate order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Learned counsel for the petitioner submitted that though the Bar Council of India provided the minimum marks in the qualifying examination for admission into 5-year L.L.B. course as 42% for OBC category, but the same is not reflected in the notification issued by respondent No.4-University for admission into 5-year L.L.B. course and as such, the said notification is illegal and the respondent University should have fixed the minimum marks in the qualifying examination for OBC category as 42%.

On the other hand, Sri Ch.Jagannatha Rao, learned Standing Counsel for Osmania University, submits that a University can always fix higher qualifying marks than the marks prescribed by the Bar Council of India and Mrs. S.Nanda, learned Standing Counsel for Bar Council of India, submits that it is only a resolution passed by the Bar Council of India and the Rules have not been amended so far.

It is to be seen that it is asserted that it is only a resolution of the Bar Council of India which proposed 42% eligibility marks in the

qualifying examination for OBC category and the Rules have not been amended regarding that aspect. As rightly pointed out by the learned Standing Counsel for respondent No.3, G.O.Ms.No.32, Higher Education (UE.II) Department, dated 18.3.2009, issued with regard to the minimum qualifying marks and the age limit, is not amended till date. Even otherwise, it is always open to the University to fix higher marks in the qualifying examination than that prescribed by the Bar Council of India.

This aspect is denied by the High Court of Kerala at Ernakulam in *Ansul Anver, Kizhakethalakkal Vs. University of Calicut, rptd by its Registrar and others*¹ and the said proposition is not disputed by the learned counsel for the petitioner.

In the light of the above facts and settled legal position, this Court finds no merit in the Writ Petition and the same is accordingly dismissed.

As a sequel, Miscellaneous Petitions, if any, pending shall stand dismissed. No order as to costs.

A.RAJASHEKER REDDY, J

19th August, 2019
dr

¹ AIR 2019 (NOC 158) 53