



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 18225 of 2021 and
W.M.P No. 19457 of 2021

S. Sivaganesh

...Petitioner

Vs.

1. The Secretary to Government
Secretariat,
Chennai - 625 532.
2. The Registrar,
Tamilnadu Dr. Ambedkar Law University,
Poompozhil, No.5, Dr. DGS Dhinakaran Salai,
Chennai - 600 028.
3. The Principal,
Government Law College,
Madurai - 625 020.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus, directing the respondents herein to consider the grievance of the petitioner representation dated 19.08.2021 pleased to 'grant an order to pursue the structure of 5 years, B.A., LL.B., Law course students who followed the Diploma Course instead of Higher Secondary qualification thereby submitting other equivocal certificate by considering the petitioner improvement and mark statement obtained in Diploma course degree that permitting applying admission Application to join the 5 years B.A., LL.B., Degree Course in the 2nd Respondent College in the academic year of 2021-22.

For Petitioner : M/s.N. Nagarjuna

For Respondents : M/s. A. Selvendran
Government Advocate for R1, R3
Mr.Vasanthkumar
Standing Counsel for R2.



O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to consider the representation made by the petitioner on 19.08.2021, wherein, the petitioner has requested to permit him to participate in the five year BA., LLB., degree course for the academic year 2021-22.

2. Heard the learned counsel for the petitioner, learned counsel for the respondents 1 and 3 and the learned counsel for the second respondent.

3. In the present case, the petitioner, after completing his 10th standard, has admittedly pursued the Polytechnic course. Thereafter the petitioner decided to undergo law course. The eligibility criteria for admission is provided in the information and instructions given to the candidates by the second respondent. The relevant eligibility criteria is extracted hereunder:

"ELIGIBILITY CRITERIA FOR ADMISSION:

The eligibility criteria for admission is as per the Bar Council of India Regulations-2009 and State Government Norms. The eligibility norms as prescribed by the University and approved by the Syndicate are as follows:

- (a) Educational Qualification: candidates should have passed Higher Secondary (10+2) examinations and should have secured not less than 45% of marks (in aggregate). Candidates belonging to SC/ST communities should have secured 40% of marks in aggregate in the qualifying degree course.
- (b) As per G.O.(Ms) No.418, Law (LS) Department, dated 03.07.2012, on the basis of merit list 4% of the total seats have been allotted to the Higher Secondary Course (+2) Vocational Stream candidates.
- (c) No age limit for Admission.
- (d) Candidates having Diploma/ITI qualification instead of Higher Secondary Course (+2) are ineligible."

4. It is clear from the above that only those persons, who have passed Higher Secondary (10+2), are eligible to participate in the admission. It has been made very clear that candidates having Diploma/ITI qualification instead of Higher Secondary Course are ineligible to participate in the admission. The petitioner will squarely fall under this clause and therefore, he will be ineligible to participate in the selection.



5. The eligibility has been fixed by the second respondent based on the Bar Council of India Regulations 2009. This eligibility criteria has not been put to challenge and the petitioner is merely seeking for a mandamus to consider his representation. The representation made by the petitioner is to the effect that he must be considered for admission to the law course and he should not be disentitled by putting the ineligibility against him.

6. Such representation made by the petitioner cannot be considered by the second and third respondents, since they are also bound by the information and instructions that are based on the Bar Council of India regulations.

7. In view of the same, the relief as sought for by the petitioner cannot be granted and accordingly, this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

RAP/RR

To

1.The Secretary to Government
Secretariat, Chennai.

2.The Registrar,
Tamilnadu Dr. Ambedkar Law University,
Poompozhi, No.5, Dr. DGS Dhinakaran Salai,
Chennai - 600 028.

3.The Principal,
Government Law College,
Madurai - 625 020.

+1cc to Mr.N.Mahendra Babu, Advocate Sr No.43826
+1cc to Government Pleader Sr No.44231

W.P.No. 18225 of 2021
and
W.M.P No.19457 of 2021

KG (CO)
PR (22/09/2021)