



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10413 of 2021

and W.M.P. (MD) Nos.8094, 8097 and 8099/2021

(Through Video Conferencing)

K.R.Raja

... Petitioner

Vs.

1.The Tamil Nadu Dr.Ambedkar Law University
Represented by its Registrar
No.5, Poompozhi Dr.DGS Dinakaran Salai
Raja Annamalai puram, Chennai 600 028.

2.University Grants Commission(UGC)
Represented by its Secretary
Bahadur Shah Zafar Marg,
New Delhi 110 002.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to pass an order to modify the eligibility criteria in the prospectus by including one year LLM Degree eligible for the Ph.D admission notification 2021-22 dated 10.05.2021 issued by the Tamilnadu Dr.Ambedkar Law University Chennai for the admission of Ph.D. 2021-22, based on the petitioner's representation dated 31.05.2021.

For Petitioner
For Respondents

:Mr.R.Alagumani
:Mr.A.Thiyagarajan
Senior counsel for
Mr.V.Meenakshi Sundaram for R1
Mr.Alaguram Jothi for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to modify the eligibility criteria that has been provided in the prospectus for the Ph.D., admission on the notification issued by the first respondent on 10.05.2021 calling for applications from candidates for admission to the Ph.D. Course.

2. The main ground that was raised by the petitioner in the present writ petition is that the petitioner has completed one year LLM Degree at NALSA University of Law, Hyderabad as a regular student. According to the petitioner, the LLM degree of one year



duration is equivalent to the LLM degree with two years duration and both are considered to be an equal qualification in order to participate for admission to Ph.D. Course.

3. For this purpose, the petitioner relies upon the previous notification that was issued for the academic years 2015-16 and 2016-17. In those notifications, it was merely stated that the applicants shall have the Master of Law degree (ML/LLM) from any recognized University and there was no mention regarding the one year or two year course. That apart, the petitioner has also relied upon the communication made by the second respondent to the effect that the one year LLM degree course is as good and valid as two years LLM course. Therefore, if the first respondent is going to insist for only the two years LLM course, it will be against the guidelines given by the second respondent.

4. When the matter was taken up for admission on 22.06.2021, this Court directed the counsel for the first respondent to take instructions and report before this Court.

5. When the matter was taken up for hearing today, Mr.A.Thiyagarajan, learned Senior counsel appearing on behalf of the first respondent, submitted that based on the orders passed by the Division Bench, an equivalence committee was constituted in order to assess the equivalence of the one year LLM and two years LLM course and submit a report to the Government. Accordingly, the equivalence committee went into the issue and found that the syllabus itself is different and that one year LLM course and two years LLM course cannot be considered to be equivalent and a report to that effect was submitted on 07.08.2019. Accordingly, a Government order was issued in G.O.Ms.No.164 dated 07.08.2019. The learned Senior Counsel submitted that based on the report of the equivalence committee, a resolution was also passed by the Syndicate of the first respondent and it was adopted. As a consequence, while issuing notification for Ph.D. admission, for the academic year 2021-22, it was provided that only those candidates possessing a two year Master degree in law from any recognized University will be treated as eligible to participate in the selection.

6. The learned Senior counsel further submitted that the regulation has been challenged before the Principal Bench and it is pending before the Division Bench in W.P.No.12065/2021.

7. In view of the above development, the relief as sought for by the petitioner cannot be granted by this Court. If the petitioner is aggrieved by the regulation formulated by the first respondent, it is left open to the petitioner to work out his remedy in the manner known to law.



8. This writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSII)

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/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Registrar

Tamil Nadu Dr.Ambedkar Law University
No.5, Poompozhi Dr.DGS Dinakaran Salai
Raja Annamalai puram, Chennai 600 028.

2.The Secretary

University Grants Commission(UGC)
Bahadur Shah Zafar Marg,
New Delhi 110 002.

+1 CC to M/s.V.MEEMAKSHI SUNDARAM, Advocate (SR-20402[F] dated 28/06/2021)

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28.06.2021

KB(05.07.2021) 3P 4C