

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21570 and 21571 of 2021
and

W.M.P.Nos.22769 and 22773 of 2021

M.Jeevanandam ... Petitioner in W.P.NO.21570 of 2021

P.Gautham ... Petitioner in W.P.No.21571 of 2021

Vs.

1.The Registrar cum Chairman,
The Tamil Nadu Dr.Ambedkar Law University,
3 years L.L.B Admission 2020-21
'Poompozhil', 5,
Dr.D.G.S.Dhinakaran Salai,
Chennai 600 028.

2.The Secretary,
Bar Council of India,
No.21, Rouse Avenue,
Institutional Area,
New Delhi 110 002.

3.The Secretary,
Bar Council of Tamil Nadu,
Bar Council Building,
High Court Campus,
Chennai 600 104.

...Respondents in both cases

Common Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of 1st respondent admission notification for the academic year 2021-22 for 3 year law admission and quash the same.

For Petitioner in both cases: Mr.S.Kolandasamy

For R1 in both cases : Mr.V.Vasanthakumar,
Standing Counsel

For R2 in both cases : Mr.S.R.Raghunathan

For R3 in both cases : Mr.C.K.Chandrasekar

C O M M O N O R D E R

These petitions are filed for issuance of Writ of Certiorari to call for the records of 1st respondent admission notification for the academic year 2021-22 for 3 year law admission and quash the same.

2. The case of the petitioners are that they had studied and completed 10th standard and subsequently studied Diploma in Mechanical Engineering and Civil Engineering respectively and thereafter completed B.Tech Mechanical Engineering and Civil Engineering and secured first class. Since the petitioners were interested to pursue the law course, they tried to apply in the respondents University through online. However the website for applying 3 year law course was not opened due to ineligibility of the petitioners. Because only candidates who studied in 10+2+3 pattern alone can apply, however, the petitioners have studied in 10+3+3 pattern. Aggrieved by the same, the present petitions are filed.

3. The learned counsel appearing for the petitioners submitted that the respondents should not declare in the notification that 10+3+3 studied pattern is not eligible to apply for the said law course, because +2 students studying both bachelor degree and polytechnic degree course and in technical course the polytechnic students also enter lateral entry in the second year. Therefore, only the pattern is different and both patterns have eligibility to study 3 years law course. Further the learned counsel submitted that the very same issue is discussed before this Court and all are pending to file a counter affidavit by the 2nd respondent and moreover until it is decided, the petitioner is eligible to apply for the 3 years law course and prays for allowing of this petition.

4. The learned Standing Counsel appearing for the 1st respondent submitted that it is specifically mentioned in the prospectus with regard to eligibility criteria to be followed by

the applicants that candidate should have educational qualification in the 10+2+3 format only for admission to 3 year LL.B., whereas, the petitioners has not studied higher secondary course, but got admission to B.E.degree through lateral entry mode based on their diploma course which is not equivalent to higher secondary course. Further the eligibility criteria have been fixed based on the Rules and hence whether the prayer sought in the present Writ Petitions is maintainable in law or not is a question to be decided. Further the petitioners have not produced any equivalent certificate issued by the competent authority for consideration and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. As per Clause 5 of the Legal Education Rules, framed by the Bar Council of India, no applicant obtained 10+2 without having any basic qualification for prosecuting such studies are eligible for admission and as per Rule 5(b), an applicant who has successfully completed Senior Secondary School Course (+2) or equivalent (such as 11+1, 'A' level in Senior School Leaving Certificate Course) from a recognized University of India may apply for and be admitted into the program of the centres of legal education. In the present case on hand, the petitioners have obtained diploma course in Mechanical Engineering and Civil Engineering, which is not equivalent to '+2' course and further the very same issue came up for consideration in W.P.Nos.10684/2021 and 9961/2021, filed by similarly situated candidates and this Court by orders dated 06.07.2021 and 08.07.2021, was pleased to dismiss the Writ Petitions on the ground that the diploma course is not equivalent to higher secondary course, and the relevant portion is as follows:

9..... a person must have completed 10th standard and after completing the diploma, especially, in engineering scheme, the diploma holder may be eligible to admit in engineering degree programme for the concerned discipline, directly in the second year of the four years engineering degree programme, by way of lateral entry scheme. Therefore, it makes abundantly clear that, the diploma course cannot be treated as +2 course either from State Board syllabus or from the CBSE syllabus. Therefore, at any rate, the diploma in civil engineering cannot be treated as equivalent to the higher secondary course, therefore, the respondent has rightly rejected the claim of the writ

petitioner.....''

7. The said decision is squarely applies to the present case on hand also and therefore, it is crystal and clear that completion of higher secondary course is an essential prerequisite for admission and in any event diploma course is not equivalent to higher secondary course.

8. For the reasons aforesaid, these Writ Petitions are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar cum Chairman,
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SSI(CO)
GN(10/02/2022)