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W.P.No.26437 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26437 of 2022
and
W.M.P.No.25514 of 2022

Master R.Selvendiran
Rep. by his father and natural guardian
Mr.B.Ramanujam.

... Petitioner

Vs

1. The Tamil Nadu Dr.Ambedkar Law University
Rep. by its Registrar
“Poompozhi”, 5 , Dr.D.G.S.Dhyinakaran Salai
Chennai - 600 028.

2. The Chairman
Law Admissions - 2022-2023
The Tamil Nadu Dr.Ambedkar Law University
“Poompozhi”, 5 , Dr.D.G.S.Dhyinakaran Salai
Chennai - 600 028.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to give admission and issue order of allotment to B.C.A.LL.B (Hons) 5 years Law degree course for the academic year 2022-2023 in the School of Excellence in Law, Taramani, Chennai, based on the average marks scored by the petitioner's son, without reference to and without insisting for any application through online mode during the dates fixed for making such online applications and by receiving and accepting an application afresh from him with the prescribed fee either through online mode or though offline mode.



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W.P.No.26437 of 2022

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.Arunkumar Rajan
Standing Counsel

ORDER

The prayer sought for in this writ petition is a writ of Mandamus, directing the respondents to give admission and issue order of allotment to B.C.A.LL.B(Hons) 5 years Law degree course for the academic year 2022-2023 in the School of Excellence in Law, Taramani, Chennai, based on the average marks scored by the petitioner's, without reference to and without insisting for any application through online mode during the dates fixed for making such online applications and by receiving and accepting an application afresh from him with the prescribed fee either through online mode or through offline mode.

2. Pursuant to the prospectus issued by the respondent University for admission in five years Law course for the academic year 2022-23 in four integrated five years Law degree courses, the petitioner had made an application for B.A.LL.B (Hons) course and B.B.A.LL.B(Hons) course as well as B.Com.LL.B (Hons) course.

3. However, for B.C.A.LL.B (Hons) course, the petitioner could not make



W.P.No.26437 of 2022

application, because, the condition imposed by the respondents in the prospectus is that, the candidate who wants to pursue B.C.A.LL.B(Hons) course must have qualified in +2, i.e. Higher Secondary course or equivalent with Computer Science subject. However, since the petitioner has studied +2 in CBSE scheme, where he has taken the subject of Information Technology, which is more or less is Computer Science subject, in view of the nomenclature provided as Information Technology, which is not considered to be one of the subject as eligible one for the purpose of making application to get admission in B.C.A.LL.B (Hons) course and accordingly, the petitioner could not make application for the admission of B.C.A.LL.B(Hons) course in the respondent University.

4. However, subsequently the University has made admissions in B.C.A.LL.B (Hons) course for the students who completed +2 in CBSE scheme with Information Technology as one of the subject.

5. Even though the equivalence of subject theory was not mentioned in the prospectus, however, that has been adopted by the respondent University while actually considering the candidature of various students, who made application in joining the courses like B.C.A.LL.B(Hons).

6. Only in that context, the petitioner had approached this Court and filed



this writ petition with the aforestated prayer.

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7. This Court, after hearing both sides on 11.10.2022, passed the following order:

“In the prospectus issued by the respondent University with admission notification for the academic year 2022-2023 for four integrated five years law degree courses called B.A.LL.B(Hons.) course, B.B.A.LL.B.(Hons.) course, B.Com.LL.B.(Hons.) course and B.C.A.LL.B(Hons.) course, qualifying examination has been fixed, under which, the fixation was that, the students must have completed HSC/CBSE/ISC or any other examination recognized as equivalent thereto (10+2 stream alone are eligible). Like that, further condition has also been imposed stating that candidates aspiring to apply for B.Com.LL.B(Hons) should have studied Commerce and candidates aspiring to apply for B.C.A.LL.B.(Hons.) should have studied Computer Science as a subject. Therefore, purposely the respondent University wants to exclude those, who did not study Commerce, from the purview of admission for the B.Com.LL.B(Hons.). Like that, the students, who did not study the Computer Science would be ousted from the purview of admission for B.C.A.LL.B (Hons.). Therefore,



the petitioner herein though studied Information Technology subject under CBSE scheme, has not applied for admission in B.C.A.LL.B (Hons.) Course, though he applied for B.A.LL.B(Hons.), B.B.A.LL.B(Hons.) as well as B.Com.LL.B(Hons.). However, now the respondent University has selected students in B.C.A.LL.B(Hons.) Course without Computer Science, but with Information Technology as well as other computer applications course etc.,

2. The reason being, according to the respondent University's Counsel that, whatever the equivalent subject studied by the students in Computer Science subject has been taken as an eligibility criteria, like that, whatever the equivalent subject equal to Commerce subject have also been taken into consideration as an eligibility criteria for admission in B.C.A.LL.B (Hons.) and B.Com.LL.B(Hons.) respectively.

3. This kind of interpretation now only sought to be given by the respondent University after excluding so many meritorious candidates like the petitioner, otherwise, this kind of equivalent subject had it been mentioned in the prospectus, definitely some meritorious students like the petitioner could have made applications for the respective



courses. For instance, the petitioner since had studied Information Technology course in the +2 CBSE syllabus, he would have also made application for admission in B.C.A.LL.B(Hons.) degree.

4. This kind of exclusion has been done by the respondent University for the reason best known to them, by thus, so many meritorious candidates like the petitioner have been denied admission. Therefore, in order to clarify this position the respondent University shall file a detailed counter by next week.

5. In the meanwhile, one seat in B.C.A.LL.B (Hons.) course in the School of Excellence in Law, Taramani, Chennai for the academic year 2022-2023 shall be kept vacant.

Post the matter on 20.10.2022.”

8. Pursuant to the said order passed by this Court, when the case is taken up for further hearing today, on behalf of the respondent University, written instruction has been given, which has been produced by Mr.Arunkumar Rajan, learned Standing Counsel appearing for the respondent University.

9. In the said written instruction given by the Registrar (i/c) of the



W.P.No.26437 of 2022

University dated 19.10.2022, the following has been stated:

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“I am to inform that you are hereby instructed to inform the Hon'ble Court that one seat has been reserved as there is a vacancy due to non-joining of a candidate which has been earlier allotted. Hence this seat is reserved in pursuance to the interim direction given by the Hon'ble Court in W.P.No.26437 of 2022. You are instructed to inform the Hon'ble Court that the classes for B.C.A.LL.B. (Hons) Degree Course have already commenced on 29.08.2022. You are further instructed to inform the Hon'ble Court that the University was only admitting the candidates who have studied the relevant or equivalent subjects to Commerce and Computer Science for the respective courses.

The University has also not faced any complaint or petition regarding this issue till now and the petitioner is the first candidate who has raised this aspect relating to the construction and interpretation of eligibility criterion in the prospectus issued by the University. The University agrees that it may be due to inadvertence that the term equivalent or relevant has not been added in the respective clauses of the prospectus which would be taken up and rectified in future. The University has noted that petitioner would have been allotted seat in B.C.A.LL.B. (Hons.)



WEB COPY



W.P.No.26437 of 2022

Degree Course if he would have made application as the petitioner has more marks than the cut off marks released by the University. The University in these circumstances would abide any directions of the Hon'ble Court which would be passed as the Court deems fit and proper.”

(Emphasis supplied)

10. On perusal of this instructions, this Court can easily find that, due to inadvertence the University has not mentioned in the prospectus that the concerned subject or equivalent subject would be considered for admission, which was omitted to be made as a note in the prospectus and the University also regretted for the same and they say that in future this would be rectified.

11. The University has also stated that, pursuant to the order passed by this Court, one seat in B.C.A.LL.B(Hons) has been reserved as there has been vacancy in that course and the University also has stated that the classes for the course had already commenced from 29.08.2022.

12. The University has further stated that the University would abide by any directions of this Court, which would be passed as the Court deems fit and proper.



W.P.No.26437 of 2022

13. By filing the said written instructions, the learned Standing Counsel appearing for the respondent University would make submissions in support of the stand taken by the respondent University.

14. I have also heard Mr.V.Ajoy Khose, learned counsel appearing for the petitioner.

15. In view of the aforesaid facts and circumstances, where the mistake or error was occurred in the prospectus due to inadvertence, as admitted by the respondent University, the petitioner even though has got higher marks admittedly could not get a seat in B.C.A.LL.B(Hons) and therefore, since the petitioner is the only candidate who approached this Court and raised this issue, as has been admitted by the University through its written instruction dated 19.10.2022 referred herein above, this Court feels that the petitioner can be permitted to join in the said course i.e., B.C.A.LL.B(Hons) course for the academic year 2022-23, for which, a formal application can be received from the petitioner with all relevant documents and if the petitioner is otherwise eligible except this only hurdle that has been discussed herein above, there can be no further impediment for the respondent University to consider the candidature of the petitioner to give



W.P.No.26437 of 2022

admission in the said course viz., B.C.A.LL.B(Hons) course for the academic year 2022-23.

16. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent University to provide a copy of the application form forthwith to the petitioner. On receipt of the same, the application shall be filled up in all respects by the petitioner along with all documents/annexures as required by the University and submit the same to the University within one week. On receipt of such application, after scrutinizing the same, if the petitioner is otherwise eligible, he shall be provided admission in the course called “B.C.A.LL.B(Hons)” at the respondent University for the academic year 2022-23, so that further wastage of attendance of the petitioner could be avoided. The needful as indicated above shall be undertaken by the University immediately after receipt of such application from the petitioner, at the maximum of one week thereafter.



W.P.No.26437 of 2022

17. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

Index : Yes

Speaking Order: Yes

Note : Issue order copy on **26.10.2022**

drm/sgl

To

1. The Registrar

The Tamil Nadu Dr.Ambedkar Law University
“Poompozhi”, 5 , Dr.D.G.S.Dhyinakaran Salai
Chennai - 600 028.

2. The Chairman

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WEB COPY



W.P.No.26437 of 2022

R. SURESH KUMAR, J.

drm/sgl

W.P.No.26437 of 2022
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20.10.2022