



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.2024 of 2023

and

W.M.P.Nos.2114 & 2115 of 2023

J.R.Caven (minor),

Represented by his mother and natural guardian

R.Janaki

.. Petitioner

Vs.

1.Consortium of National Law Universities,

Represented by its Secretary,

Nagarbhavi, Bangalore – 560072.

2.Tamil Nadu National Law University,

Represented by its Registrar,

Navalurkuttappattu,

Dindigul Main Road,

Tiruchirapalli – 620 027.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to admit the petitioner into the B.Com. L.L.B., Course under the MBC/DNC category for the academic year 2023 – 2024 of the second respondent.



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For Petitioner .. Mr.Manoj Sreevalsan

For R1 .. Mr.Arun Karthick Mohan

For R2 .. Mr.C.Vigneswaran

### ORDER

This writ petition has been filed in the nature of writ of Mandamus, directing the respondents to admit the petitioner into the B.Com. L.L.B., Course under the MBC/DNC category for the academic year 2023 – 2024 of the second respondent University.

2.A similar writ petition had been come up for consideration before the Punjab and Haryana High Court at Chandigarh and as a matter of fact, before the Hon'ble Chief Justice there, and by an order dated 16.01.2023 in ***CWP-165-2023, Arjun (minor) Vs. Consortium of National Law Universities and another***, the following order was passed:

*"After arguing at length, learned counsel for the petitioner submits that the application submitted by the petitioner raising his grievance(s) is pending before the Grievance Redressal Committee, constituted by the Consortium of National Law Universities (respondent No.1) vide notification dated 23.12.2022. He submits that the Committee be directed to consider the same and take a sympathetic decision thereon in accordance with law.*



*Learned counsel for the respondents, on advance copy, submits that the application of the petitioner as regards his grievance(s) is pending before the Grievance Redressal Committee, which shall be considered and decided expeditiously in accordance with law.*

*In these circumstances, taking the statement of learned counsel for the respondents on record, and in terms thereof, the petition stands disposed of."*

3. That order was taken in appeal before the Hon'ble Supreme Court in **S.L.P.No.1752 of 2023** by an order dated **24.01.2023**, the appeal was dismissed by the Hon'ble Supreme Court and it was once again stated by the Hon'ble Supreme Court that the Grievance Redressal Committee shall decide expeditiously the grievance of the petitioner therein. The grievance of the petitioner therein was that he had unfortunately put up his name under creamy layer even though he had uploaded certificates indicating that he belonged to OBC. The Hon'ble Supreme Court had dismissed the appeal and had directed the Grievance Redressal Committee to take a call on the representation in time, so that, if the petitioner therein succeeds, he is not deprived of any relief.



4.A similar order is passed. It is however admitted that the petitioner had not given any representation to the Grievance Redressal Committee, but had addressed the 1st respondent. At any rate, the learned Standing Counsel for the 1<sup>st</sup> respondent is present and the learned counsel may take the averments in the affidavit as being addressed and focused as a representation to the Grievance Redressal Committee and let the Grievance Redressal Committee, endeavour to dispose it of as expeditiously as possible, keeping in mind the factor that if the petitioner missed out a good opportunity, then his loss can never be compensated. If he succeeds, it would be a benefit for everybody.

5.With the above observations, let me not too harsh by stating that the writ petition is dismissed, since a direction is given for consideration, and rather opine that the writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

6.After the above order had been dictated the learned counsel for the petitioner pointed out an order of the Hon'ble Supreme Court reported in ***AIR 2016 SC 1098, Ram Kumar Gijroya Vs. Delhi Subordinate Services***



**Selection Board and Ors.** The learned counsel for the petitioner placed reliance on paragraph No.16, which is as follows:

*“18. In our considered view, the decision rendered in Pushpa [Pushpa v. Govt. (NCT of Delhi), 2009 SCC OnLine Del 281] is in conformity with the position of law laid down by this Court, which have been referred to supra. The Division Bench of the High Court erred in reversing the judgment and order passed by the learned Single Judge, without noticing the binding precedent on the question laid down by the Constitution Benches of this Court in Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] and Valsamma Paul [Valsamma Paul v. Cochin University, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] wherein this Court after interpretation of Articles 14, 15, 16 and 39-A of the directive principles of State policy held that the object of providing reservation to the SCs/STs and educationally and socially backward classes of the society is to remove inequality in public employment, as candidates belonging to these categories are unable to compete with the candidates belonging to the general category as a result of facing centuries of oppression and deprivation of opportunity. The constitutional concept of reservation envisaged in the*



*Preamble of the Constitution as well as Articles 14, 15, 16 and 39-A of the directive principles of State policy is to achieve the concept of giving equal opportunity to all sections of the society. The Division Bench, thus, erred in reversing the judgment and order passed by the learned Single Judge. Hence, the impugned judgment and order passed by the Division Bench in Letters Patent Appeal No. 562 of 2011 is not only erroneous but also suffers from error in law as it has failed to follow the binding precedent of the judgments of this Court in Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] and Valsamma Paul [Valsamma Paul v. Cochin University, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] . Therefore, the impugned judgment and order [Delhi Subordinate Services Selection Board v. Ram Kumar Gijroya, 2012 SCC OnLine Del 472 : (2012) 128 DRJ 124] passed by the Division Bench of the High Court is liable to be set aside and accordingly set aside. The judgment and order dated 24-11-2010 passed by the learned Single Judge in Ram Kumar Gijroya v. Govt. (NCT of Delhi) [Ram Kumar Gijroya v. Govt. (NCT of Delhi), WP (C) No. 382 of 2009, order dated 24-11-2010 (Del)] is hereby restored.”*



7.The issue therein was with respect to a candidate, who had appeared the for examination under the OBC certificate and had submitted the certificates after the last date mentioned in the advertisement and therefore, it was examined whether he was eligible for selection to the post under the OBC category or not.

8.In the instant case, the petitioner had submitted his application and as a prospective advocate, his first duty was to examine the documents thoroughly before filling up the form. The petitioner, if he had mistakenly filled up the form, should suffer the consequences. The Court had given him a small liberty on the basis of the judgment applicable with respect to a similarly placed candidate by the Hon'ble Supreme Court in ***S.L.P.No.1752 of 2023***, (referred *supra*) wherein, a direction alone was issued for consideration of the case of the petitioner by the Grievance Redressal Committee. The direction as stated above still holds.

25.01.2023

Index:Yes/No  
Internet:Yes/No  
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To



1. The Secretary,  
Consortium of National Law Universities,  
Nagarbhavi, Bangalore – 560072.

2. The Registrar,  
Tamil Nadu National Law University,  
Navalurkuttappattu,  
Dindigul Main Road,  
Tiruchirapalli – 620 027.



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**C.V.KARTHIKEYAN,J.**

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