



Rev.Apl.W(MD)No.237 of 2023
in
W.P.(MD)No.25943 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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in
W.P.(MD)No.25943 of 2023

J.Sushmitha

... Petitioner

Vs.

1.The Registrar,
School of Excellence in Law,
Tamil Nadu Dr.Ambedkar University,
M.G.R.Main Road,
Thirumalai Nagar,
Perungudi,
Chennai-600 096.

2.Prist Deemed to be University
represented by its Registrar,
Thanjavur.

... Respondents

PRAYER: Petition filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., praying to review the order passed in W.P.(MD)No.25943 of 2023 in W.M.P.(MD)No.22298 of 2023, dated 02.11.2023.

For Petitioner : Mr.S.K.Mani

For Respondents : Mr.K.P.Krishna Dass



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ORDER

Heard both sides.

2. The petitioner seeks review of the order dated 02.11.2023 in W.P.(MD)No.25943 of 2023. The said order reads as follows:-

“Heard the learned counsel on either side.

2. The writ petitioner joined L.L.B. Degree Course conducted by the second respondent University. She completed the same in July 2023. The petitioner obtained first class with distinction. She topped her class. The petitioner is desirous of pursuing Post Graduate Degree Course by joining L.L.M. Course conducted by the first respondent. The petitioner received the Consolidated Mark Statement, Transfer Certificate and other connected certificates from the second respondent only on 16.10.2023. When the petitioner approached the first respondent, she was informed that her request for admission in L.L.M. Course cannot be considered for the Academic Year 2023-24. That led to the filing of this Writ Petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions stated out in the affidavit filed in support of the Writ Petition.

4. It is pointed out that when the relevant certificates were issued to the petitioner by the second respondent only on 16.10.2023, it was not possible for the petitioner to apply for admission in L.L.M. Course in the first respondent University prior to the said date. The petitioner is not at fault and therefore, he called upon this Court to consider the petitioner's



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case equitably and grant relief as prayed for.

5. The learned Standing Counsel appearing on behalf of the first respondent opposed the writ prayer. He submitted that 30.09.2023 was the last date for submission of applications. He also pointed out that six other similarly placed students, who studied in the second respondent University had been allotted seats in the L.L.M. Course. The learned Standing Counsel felt that the petitioner had not been vigilant enough and therefore, her request has to be rejected. Reliance is placed on the order dated 28.10.2022 passed by the Hon'ble Division Bench of the Delhi High Court in L.P.A.No.212 of 2021. Hence, the first respondent prayed for dismissal of this Writ Petition.

6. I carefully considered the rival contentions went through the materials available on record.

7. The learned counsel appearing for the petitioner insisted that 30.09.2023 could not have been the last date for receipt of applications because according to him, six students who studied in the second respondent University also who did not get their certificates in time had been granted admission by the first respondent University.

8. The learned Standing Counsel, on instructions, categorically stated that the other students, who studied in the second respondent University had obtained soft copies from the second respondent and applied in time before the cut off date. This submission made by the first respondent is placed on record.

9. The decision relied on by the learned Standing Counsel is apposite to the facts of this case. The Hon'ble Division Bench of the Delhi Court in the said decision had held that there has to be a finality to the admissions and that the candidates must apply in time. It is not as if the candidates who seek admission in the first respondent University are from a single Institution or University. They come from several



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Institutions. It is quite possible that all the Institutions could not have finalized their examination process and issued certificates in time. For this contingency, the first respondent cannot be blamed. Only, if the first respondent is at fault, I could have given the direction sought for. The first respondent is not at fault. The petitioner has not been vigilant enough. Therefore, even though the petitioner appears to be a meritorious student, I have to deny the relief.

10. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.”

3. In the review application, the learned counsel for the petitioner points out that even before the cut-off date, the petitioner had sought clarification from the University. It was responded to. My attention is drawn to the mail said to have been sent on 02.10.2023. The learned standing counsel points out that this point was not taken in the original affidavit nor in the notice sent to the University. The learned standing counsel relies on the order dated 16.11.2023 passed by the Hon'ble First Bench in Review Application No.104 of 2023. Since the last date for application has already expired and since the petitioner did not submit application in time, this Court is not in a position to interfere in favour of the review applicant.



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4. The Review Application is dismissed. Consequently, connected
miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
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G.R.SWAMINATHAN, J.

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