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W.P.No.27187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.27187 of 2024

R.P.Subramanian

... Petitioner

Vs.

1.The Registrar,
Madras University,
Chepauk, Chennai – 600 005.

2.The Controller of Examinations,
Madras University,
Chepauk, Chennai – 600 005.

3.The Secretary,
The Bar Council of Tamil Nadu and Puducherry,
Bar Council Buildings (High Court Campus),
Chennai – 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd respondent to accept the Advocate enrollment application on the basis of the petitioner's Law Degree in the absence of the B.E. mark sheets in the forthcoming enrollment sessions conducted by the 3rd respondent.



W.P.No.27187 of 2024

For Petitioner : Mr.M.Vijaya Kumar
For R3 : Mr.C.K.Chandrasekhar
Standing Counsel
[For Bar Council of Tamil Nadu]

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ of mandamus has been instituted to direct the 3rd respondent to accept the enrolment application on the basis of the petitioner's Law Degree in the absence of the B.E. mark sheets in the forthcoming enrolment sessions conducted by the 3rd respondent

2. The petitioner states that he is a Bachelor of Engineering graduate in Civil Engineering. He completed his Bachelor of Engineering during the Academic Year 1973 to 1978 in Government College of Technology, Coimbatore. He was appointed as an Engineer in the Tamil Nadu Electricity Board and retired from service on 31.01.2014. The petitioner is now aged about 68 years. He submitted an application seeking enrolment.

3. The enrolment application submitted to the Bar Council of Tamil



W.P.No.27187 of 2024

Nadu and Puducherry was not considered mainly on the ground that the petitioner has not produced the B.E. Degree mark sheets. Since the Bar Council of Tamil Nadu asked the petitioner to submit the mark sheet, the petitioner submitted an application to the Madras University to issue duplicate mark sheets. Since the application was not considered W.P.No.23424 of 2018 was filed by the petitioner and this Court passed final orders on 07.09.2018, directing the Controller of Examination, Madras University to consider the representation submitted by the petitioner on 13.08.2018 and pass appropriate orders or issue duplicate mark sheet as required by the petitioner within a period of two weeks.

4. Pursuant to the directions issued by this Court, the University of Madras passed orders on 10.06.2024, which reads as under;

With reference to the above, the candidate Mr.R.P,Subramanian is informed that the records pertaining to period of his study are very old one i.e., 1973 to 1978. The Duplicate statements of marks for candidates belongs to old regulations i.e., for more than 45 years back will be issued only on availability of relevant records.

The office is in search of the old records and the duplicate statement of marks for the B.E. (Civil Engineering) Degree course will be prepared manually



WEB COPY



W.P.No.27187 of 2024

and sent to him as soon as the records are traced.

Further, as per our official communication letter under reference (2), the above candidate has not provided the month and year of passing with Register Numbers of the required duplicate mark statements and also not paid the prescribed fees for duplicate mark statements.

5. The reply given by the University of Madras would reveal that the petitioner has not provided the month and year of passing the registered numbers of the required duplicate mark statements and not paid prescribed for duplicate mark statements. Mainly the university is not able to accede to the request of the petitioner, since the petitioner has not furnished the register number and required details. Instead of submitting all those particulars enabling the University to issue duplicate mark sheet, the present writ petition came to be instituted for a direction to enrol the petitioner as an Advocate without insisting for BE mark sheet.

6. The conditions stipulated for enrolment need not be diluted and to be followed scrupulously. Application seeking enrolment is to be considered strictly in accordance with the procedures as contemplated. Courts diluting such a procedure would result in wrong precedent and many such similarly



W.P.No.27187 of 2024

placed candidates will also claim enrolment without producing necessary mark statements or other relevant certificates. Thus, the compliance of rules for enrolment must be scrupulously followed and the Courts in exercise of powers of judicial review, need not issue a direction to the Bar Council of Tamil Nadu to enrol a candidate as an Advocate without insisting the candidate to furnish the mark sheet or other relevant document.

7. In view of the facts and circumstances, the petitioner is at liberty to furnish all the required details as called for by the Madras University for issuance of duplicate mark statement and on receipt of the same, the petitioner is at liberty to move the enrolment application and if the application is otherwise in order, then the Bar Council of Tamil Nadu and Puducherry has to consider by following the procedures as contemplated.



W.P.No.27187 of 2024

8. With these observations, the Writ Petition stands disposed of. No

costs.

[S.M.S., J.] [V.S.G., J.]
17.10.2024

Index : Yes

Speaking order / Non-speaking order

Neutral Citation : Yes

Jeni

To

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WEB COPY



W.P.No.27187 of 2024

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W.P.No.27187 of 2024

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