

(2010) 07 MAD CK 0240
In the Madras High Court
Case No : Writ Petition No. 17655 of 2009

N. Gowthaman

APPELLANT

Vs

The Tamilnadu Dr. Ambedkar Law University

RESPONDENT

Date of Decision : 15-07-2010

Acts Referred:

Citation : (2010) 07 MAD CK 0240

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : K. Rajasekaran, for the Appellant; T.D. Vasu, for the Respondent

Judgement

D. Hariparanthaman, J.—The petitioner is a law graduate. He is a practicing Advocate in this Court. He is also a part-time lecturer in the Dr. Ambedkar Government Law College, Chennai.

2. Pursuant to the notification issued by the first respondent in May 2008 calling for application for Ph.D., Programme (full-time/part-time) for the year 2008-2009 both in Law and Interdisciplinary Research in Law, the petitioner applied for full-time Ph.D., Programme vide his application dated 30.06.2008.

3. The first respondent sent an intimation letter to the petitioner on 30.09.2008 to appear before the Admission committee of the University for the presentation of Ph.D., Research Proposal on 15.10.2008 in the University premises. Accordingly, the petitioner appeared at 9.30 am on 15.10.2008, as per the aforesaid intimation letter. He signed in a register for having appeared before the committee.

4. Thereafter, the petitioner received another intimation letter dated 13.10.2008 stating that if he failed to enclose Certificate Suspending Practice at the time of joining the Ph.D., Programme, he could not be permitted to present before the Admission committee of the Ph.D., Research Programme. The intimation letter dated 13.10.2008 was received by him only in the afternoon on 15.10.2008 after he returned from the University.

5. Then, the petitioner made a representation on 15.04.2009 to both the respondents requesting them to admit him to full time doctoral programme in law (Ph.D.,) in the University. Since he did not receive any answer from the respondents, he filed the present writ petition praying for a direction to the the respondents to select and admit him to full time doctoral programme in law (Ph.D.,) in the first respondent-University.

6. Notice of motion was ordered on 31.08.2009.

7. Heard Mr. K. Rajasekaran, learned Counsel for the petitioner and Mr. T.D. Vasu, learned Counsel for the respondents-University.

8. The learned Counsel for the petitioner has brought to my notice the Regulations for admission to the Degree of Doctor of Philosophy in Law and more particularly, the registration procedure. According to him, nowhere it is stated that the applicant should produce a Certificate Suspending Practice along with the application. He submits that Certificate Suspending Practice would arise only after admission to the Ph.D., Programme. It is submitted that the intimation letter dated 13.10.2008 was received by him only in the afternoon on 15.10.2008, stating that if he failed to produce a Certificate Suspending Practice, he could not be permitted to appear before the Admission Committee.

9. The learned Counsel for the petitioner submits that it seems that the Admission Committee was on erroneous view that without a Certificate Suspending Practice, he could not be permitted to appear before the Admission Committee.

10. On the other hand, the learned Counsel appearing for the respondent submits that the petitioner should produce a Certificate Suspending Practice, so as to appear before the Admission Committee. According to him, there is nothing wrong in the intimation letter dated 13.10.2008. Since, he did not produce the Certificate Suspending Practice, the other formalities before the Admission Committee did not take place.

11. I have considered the submissions made on either side.

12. The Registration Procedure as prescribed in the Regulations for Admission to the Degree of Doctor of Philosophy in law by the first respondent-University is as follows:

When notified, eligible candidates shall apply to the Registrar of this University in the prescribed form, which can be obtained on payment of the cost of application Rs. 500/- (Rupees Five Hundred only) in person or Rs. 550/- (Rupees Five Hundred and Fifty only) by post along with a requisition letter by Demand Draft drawn on State Bank of India/any other nationalized bank, payable to "The Registrar, The Tamil Nadu Dr. Ambedkar Law University, Chennai". The duly filled in application form shall be submitted along with the following documents:

1) An outline of the Research proposal intended for the thesis, in about 2000

words within a tentative chapterisation.

2) Attested Xerox copy of the Master's Degree in Law along with Mark Statements.

3) Attested Xerox copy of Bachelor's Degree in Law, Master's Degree or M. Phil., in the concerned interdisciplinary subject along with Mark Statements.

4) In case of part-time Ph.D. for teachers, other employers and Judges, Service Certificate from the institution concerned, testifying the length of service to be enclosed. In case of advocates a certificate of Bar experience form the concerned Bar Association need be enclosed.

5) In the case of part-time research, No objection Certificate from the Head of the Department/Institution, where he/she is employed.

6. A certificate from the Guide with the following details:

a) Willingness to the Guide

b) No. of Candidates working under the Guide

c) To indicate that the topic chosen for Ph.D., programme has not been done earlier for award of Ph.D., by any person in this University or any other University.

d) A certificate from the Guide to the effect that the subject chosen for Research Programme is related mainly to the field of Law.

The aforesaid procedure nowhere contemplates that the applicant seeking for admission in full-time Ph.D., Programme should enclose a Certificate Suspending Practice.

13. Furthermore, it is illogical to ask a advocate to suspend his practice before granting admission to Ph.D., Programme. It is a different matter that the applicant is informed that the admission in Ph.D., Programme is subject to suspending his practice, before joining the Programme.

14. The learned Counsel for the petitioner states that the petitioner is willing to suspend the practice, if he is admitted to the Ph.D., Programme (full-time). He further states that he is also willing to appear before Admission committee to undergo the formalities required by them.

15. In my view, the first respondent has misconceived in sending an intimation letter dated 13.10.2008. In fact the intimation letter dated 13.10.2008 states that the petitioner has not enclosed a Certificate Suspending Practice at the time of joining. It is further stated that without producing the certificate, he would not be permitted to appear before the Admission Committee. The condition prescribed in the intimation letter dated 13.10.2008 that the Certificate Suspending Practice should be produced before appearing the Admission Committee is not correct. It should occur only after admission to the Ph.D., Programme.

16. In these circumstances, the respondents are directed to consider the application of the petitioner to select and admit him to full time doctoral programme in law (Phd.,) in the first respondent-University, by issuing an intimation letter to appear before the Admission Committee on a suitable date within a period of four weeks from the date of receipt of a copy of this order and pass appropriate order within two weeks thereafter on the admission to Ph.D., Programme of the petitioner.

17. With the above direction, the writ petition is disposed of. No costs.