

(2016) 10 MAD CK 0058
In the Madras High Court
Case No : Writ Petition No. 34630 of 2016

S. Theerthagiri

APPELLANT

Vs

Director of School Education

RESPONDENT

Date of Decision : 21-10-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 CTC 160 : (2016) 8 MLJ 456

Hon'ble Judges : Mr. Huluvadi G. Ramesh and Mr. V. Parthiban, JJ.

Bench : Division Bench

Advocate : Mr. P. Karthikeyan, Government Advocate, for the Respondents Nos. 1 and 2; Mr. M.R. Jyothimanian for M/s. K. Balu, Advocates, for the Petitioner; Mr. L.P. Shanmugasundaram, Spl. Government Pleader, for the Respondents Nos. 3 and 4

Final Decision : Disposed Off

Judgement

Huluvadi G. Ramesh, J. - As the facts pleaded and the submission made in all the writ petitions and the writ appeal, is one and the same, they are taken up together and disposed of by a common order.

2. Petitioner in W.P. No. 34630 of 2016, has studied upto 10th standard at Kaveripattinam Boys Higher Secondary School, Uuthankarai and thereafter in the middle of 10th standard, due to some difficulties, discontinued and privately appeared for 10th Standard Board examination in March 2014. He later completed his 12th standard through regular schooling and passed in good academic records. Now he is seeking for admission to 5 years Law Course (L.L.B.,) and is under objection by the University. Same is the case of the petitioner in W.P. No. 34220 of 2016.

3. Petitioner in W.P.No.32279 of 2016, suffered a fracture in the middle of 10th standard and was on long leave. Hence, discontinued from school and taken the 10th examination in private and got through and after that completed +2 in the regular school and thereafter, joined 3 year regular course (B.A. Criminology and

Police Administration) in JHA Agarsan College, Madhavaram and now she is seeking for admission to three years law course.

4. Petitioner in W.P.No.33108 of 2016, has studied upto 10th standard in regular schooling and thereafter, due to health problem, he continued his studies privately and took the Higher Secondary Course examination and came out successful during March 2011. He later completed B.Sc. Degree in Hotel & Catering Management from SRM Institute of Hotel Management. Now he is seeking for admission to three years law course.

5. Appellant in W.A.No.1194 of 2016, has studied upto 9th standard in regular school. Since, he got less mark, he was not allowed to continue the 10th standard in the said school and thus, he appeared privately and passed in SSLC Board examination. After that, he completed +2 in the regular school and also obtained a UG Degree in regular college. But, as the appellant has taken the 10th standard examination privately, the respondent college/university, did not permit him to join the three years law course. Hence, he filed W.P. No. 31739 of 2016, and the same was dismissed on 12.09.2016. Against the dismissal, the present writ appeal is filed.

6. Heard the learned counsel for the petitioners and the learned counsel representing the Bar Council of India, Bar Council for the State and the Tamilnadu Dr. Ambedkar Law University.

7. The Bar Council of India has framed Rules of Legal Education. Rule 5 deals with the eligibility criteria for admission to Five Years and Three Years Law Degree Course and the said Rule is extracted hereunder.

5. Eligibility for Admission - (a) Three Year Law Degree Course : An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognised as a Deemed to be University or foreign University recognised as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of L.L.B., degree on successful completion of the regular program conducted by a University whose degree in law is recognised by the Bar Council of India for the purpose of enrolment.

(b) Integrated Degree Program: An applicant who has successfully completed Senior Secondary School course ["+2"] or equivalent [such as 11+1, "A" level in Senior School Leaving Certificate course] from a recognised University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognised by the Union or by a State Government or from any equivalent institution from a foreign country recognised by the Government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is

recognised by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years" L.L.B. course, as the case may be.

Explanation - The applicants who have obtained 10 +2 or graduation/post graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses."

8. So far as the Rule pertaining to the admission of the Five Years law course is concerned, the eligibility is 10+2. Having prosecuted the studies from 1st to 10th standard and then +2 are eligible to be admitted for the 5 years course, subject to age limitation. In so far as three years law course is concerned, one should have completed 10+2+3.

9. In the case on hand, in so far as the petitioners in W.P.Nos.32279 and 33108 of 2016 and W.A.No.1194 of 2016, are concerned, they have completed 1st to 10th standard in regular schooling, but due to some unavoidable circumstances they have taken up the 10th standard Board examination privately. Further, the petitioners have also taken plus 2 schooling. It is not as if the candidates have obtained a straightaway 10th pass, but they have prosecuted upto 9th standard and also having studied in the 10th standard as well, but have appeared in the examination in the private and the requisite of 10+2 is very much satisfied. Added further, all the three candidates have done their UG degree in a regular stream.

10. Proviso to Rule 5 of The Bar Council of India Rules, states that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years" L.L.B. course, as the case may be. Therefore, they do not suffer from any disqualification. Further, on a reading of the Rule, and overall analysis of the pleadings and submissions, we do not find any technical reasons to be interpreted to dissuade the petitioners from seeking admission to the three years law course for the factual circumstances, which is noted above.

11. In so far as the petitioners in W.P. Nos. 34630 and 34220 of 2016, are concerned, they have done their schooling upto 10th standard and due to unavoidable circumstances, taken the SSLC Board examination privately. Later, they have done their +2, through regular schooling. Upto 9th standard they have attended the school and only for final year, they have appeared for the examinations privately. Further it is noted that the candidates have obtained Higher Secondary Course pass certificate (+2) through regular schooling.

12. Such being the case, it is for the respondent university to approve the

admission of these candidates at the earliest and get them admitted, if they are found otherwise eligible.

13. It appears that by virtue of the interim orders dated 23.09.2016 made in W.A. No.1194 of 2016 and 29.09.2016 made in these writ petitions, the candidates/petitioners have been admitted and also it is very much noted that the persons have completed 10+2+3 and shown to have been considered, such being the case, we are of the view that the candidates do not suffer from any disqualification to prosecute their studies viz., five years integrated law course or three years law course, as the case may be and they may be permitted to prosecute their studies.

14. With the above direction, all the Writ Petitions and the writ appeal are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.