

A PAVAI AMMAL VAIYAPURI EDUCATION TRUST
v.
GOVERNMENT OF TAMIL NADU AND ORS.

SEPTEMBER 21, 1994

B [B.P. JEEVAN REDDY AND SUHAS C. SEN, JJ.]

Education—Admission to Professional Courses—Private Law College—Interim directions—Issued.

C The applicability of the scheme in *Unnikrishnan J.P. and Ors. v. State of Andhra Pradesh*, [1993] 1 SCC 645 was in question in these petitions. Pending final hearing, this Court gave the following directions :

- D 1. Pending further orders status quo shall continue for the current year, i.e., 1994-95. [739-E]
- E 2. The Petitioner college shall admit students strictly in the order of merit from among those applying to it for admission. The merit shall be determined only and exclusively on the basis of marks obtained in the qualifying examination, which is inherent in the permission for establishment granted by the Bar Council of India and the affiliation granted by the University. The very fact that the University is admitting this College, a private body, to its privileges means that the private body must subject itself to the discipline inherent in such affiliation. [739-F-G]
- F 3. The petitioner college shall prepare a list of candidates applying to it for admission alongwith the marks obtained by them in the qualifying examination as well as a list of the candidates selected by it for admission along with the marks obtained by them in the qualifying examination. Both the said lists shall be submitted within ten days of the finalisation of the admission to the Bar Council of India, to the Madras University and to the Government of Madras. [739-H, 740-A]
- G 4. The abovesaid authorities may verify the correctness of the said list and if they find any departure from the direction now
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imposed, it shall be open to any of them to bring the same to the notice of this Court. [740-B] A

CIVIL APPELLATE JURISDICTION : S.L.P. (C) Nos. 14416-18 of 1994.

From the Judgment and Order dated 3.8.94 of the Madras High Court in W.P. No. 10670, 10707 & 10714 of 1994. B

K.K. Venugopal, K.V. Vihswanathan and K.V. Vijaykumar for the Petitioners.

V.R.Reddy, Additional Solicitor General, A. Mariarputham and Ms. Aruna Mathur, for Aruputham Aruna & Co. for the Respondents. C

The following Order of the Court was delivered :

Having heard the learned counsel for the petitioner and the learned Additional Solicitor General for the respondents, we are of the opinion that the question of applicability of the Scheme in *Unnikrishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors.*, [1993] 1 S.C.C. 645 to the petitioner-college requires further consideration for which purpose we are posting the Special Leave Petitions for final hearing in November, 1994. We direct that pending further orders *status quo* shall continue for the current year, i.e., 1994-95. D E

It is, however, directed that the college shall admit students strictly in the order of merit from among those applying to it for admission. The merit shall be determined only and exclusively on the basis of marks obtained in the qualifying examination. This obligation, in our opinion, is inherent in the permission for establishment granted by the Bar Council of India and the affiliation granted by the university. The very fact that the university is admitting this college, a private body, to its privileges means that the private body must subject itself to the discipline inherent in such affiliation. It is unreasonable to presume that fairness is not inherent in the grant of permission to establish and more so in the grant of affiliation. Hence, the above direction. F G

The petitioner-college shall prepare a list of candidates applying to it for admission alongwith the marks obtained by them in the qualifying examination as well as a list of the candidates selected by it for admission H

- A along with the marks obtained by them in the qualifying examination. Both the said lists shall be submitted within ten days of the finalisation of the admissions to the Bar Council of India, to the Madras University and to the Government of Madras. It shall be open to these authorities to verify the correctness of the said list and if they find that there has been any departure from the direction imposed hereinabove, it shall be open to any
- B them to bring the same to the notice of this Court.

Liberty to mention.

The Special Leave Petition shall be posted for final hearing on November 11, 1994,

G.N.

Petition Pending.