

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16344 of 2015

G.Devarajan

.. Petitioner

Versus

- 1 The Chief Secretary to Government of Tamil Nadu Secretariat Chennai 9
 - 2 The Principal Secretary to Government of Tamil Nadu Higher Education Department Secretariat Chennai 9
 - 3 The Registrar University of Madras Chepauk Chennai 5
 - 4 The Director of Collegiate Education 9th Floor EVK Sampath Buildings College Road Chennai 6
 - 5 Regional Joint Directorate of Collegiate Education The Joint Director 577 Anna Salai IASE Campus Saidapet Chennai 15
 - 6 The Rev. Fr. Principal cum Chairman Admission Committee Loyola College Chennai 34
- .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 6th respondent herein Admission Committee Loyola College chennai 34 to take necessary action and withdraw the selection for the academic year 2015-2016 published and follow the guidelines issued by the Government and make admission on the basis of marks/ranks of the students for the academic year 2015-2016 and the subsequent academic years.

For Petitioner : Mr.G. Devarajan
Party-in-Person

For Respondent : Mr.R.Vijayakumar (for R1 to R5)
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that his twin sons viz., D.Balaji and D.Parthibhan, have passed their twelfth standard Public Examination conducted for the Academic Year 2014-15 and the result was released on 07.05.2015. The petitioner bought an online application for admission of his sons for B.Sc. (Chemistry), B.Sc. (Physics) and B.Sc. (Visual Communication) in Loyola College, Nungambakkam, Chennai - 34 and the management of the said College had published selection list of the students for the above said courses on 25.05.2015, 26.05.2015, 28.05.2015, 29.05.2015, 30.05.2015 and 01.06.2015 and to the shock and surprise of the petitioner, the names of his sons have not found place.

3. According to the petitioner, the selection process is not in accordance with G.O.(1) No.101 Higher Education (G1) Department dated 17.04.2015 and it is also in violation of the judgment of the Hon'ble Supreme Court of India in T.M.A.Pai Foundation and Others Vs. State of Karnataka and others, reported in (2002) 8 SCC 481. The petitioner in this regard has also submitted a representation dated 27.05.2015 to all the respondents and since, he has not been favoured with any response, came forward to file this writ petition.

4. The petitioner/party-in-person would submit that, his sons viz., D.Balaji and D.Parthibhan, had secured 734 and 801 marks, respectively out of maximum marks of 1200 and though, he may not pray for the seats for his sons, however, prays for appropriate orders, as the management of the Loyola College, Chennai -34, did not comply with the directions of the above cited Government Order as well as the judgment rendered by Hon'ble Supreme Court of India in T.M.Pai's case (cited Supra).

5. Per contra, Mr.R.Vijaya Kumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5, would submit that the Loyola College, is a minority institution and some courses are aided and in the light of the judgment rendered by Hon'ble Supreme Court of India in Pramati Educational & Cultural Trust and others Vs. Union of India, reported in 2014 (8) SCC (1) (Constitution Bench), the role of the official respondents, is very much limited.

6. This Court has carefully considered the submissions of the petitioner/party-in-person and the learned Additional Government Pleader, appearing on behalf of respondents 1 and 5.

7. Though, the petitioner has prayed for a larger relief, this Court, in the facts and circumstances of the case, is of the view that it cannot usurp the function of respondents 4 and 5.

8. This Court, without going into the merits of the claim projected by the petitioner in this writ petition as well as the representation, directs the respondents 4 and 5, to consider the petitioner's representation dated 27.05.2015, in accordance with law, after taking note of the judgment rendered by the Constitution Bench of the Hon'ble Supreme Court of India, reported in Pramati's case (cited supra) and pass orders as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the said Institution.

9. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chief Secretary to
Government of Tamil Nadu Secretariat
Chennai 9
- 2 The Principal Secretary to
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Department Secretariat Chennai 9
- 3 The Registrar
University of Madras Chepauk Chennai 5
- 4 The Director of Collegiate
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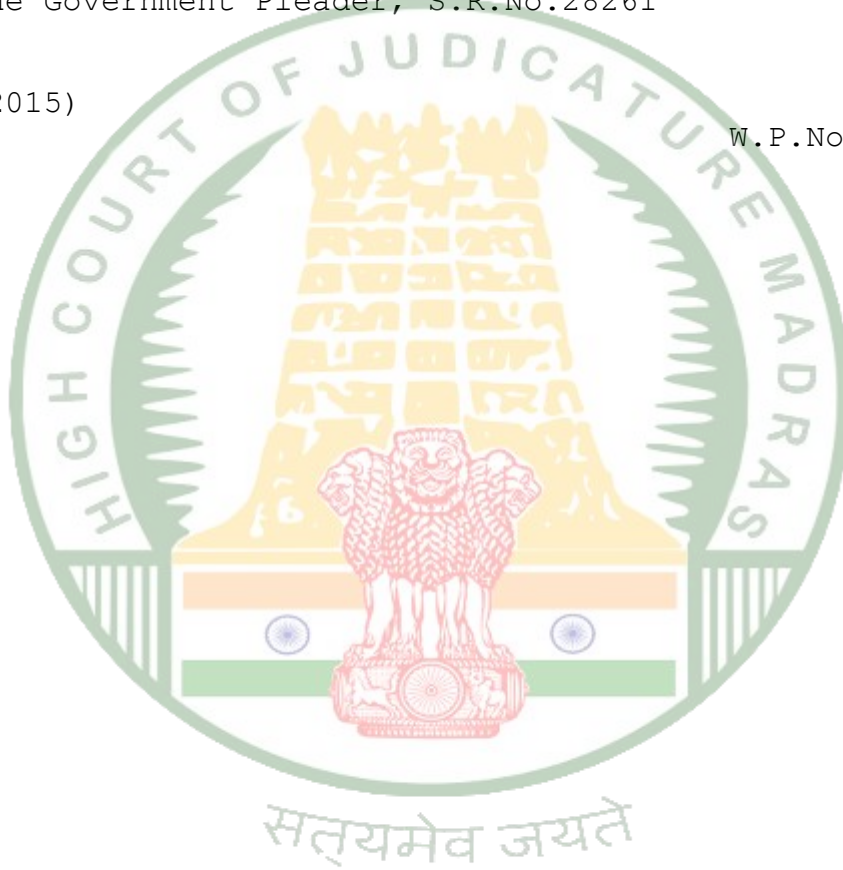
5 Regional Joint Directorate
of Collegiate Education The Joint Director
577 Anna Salai IASE Campus Saidapet
Chennai 15

6 The Rev. Fr. Principal cum
Chairman Admission Committee
Loyola College Chennai 34

+1cc to Mr.G.Devarajan, Advocate, S.R.No.27793
+1cc to Mr.R. Vijayakumar, Advocate, S.R.No.28496
+1cc to the Government Pleader, S.R.No.28261

BVR(CO)
EU(19/06/2015)

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