

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.25814 of 2015

and

M.P.No.1 of 2015

Minor N.Manimozhi

... Petitioner

- Vs -

1.The Tamilnadu Fisheries University,
First line Beach Road,
Nagapattinam-611 001.

2. The Chairman,
UG Admission Committee,
The Tamilnadu Fisheries University,
First Line Beach Road,
Nagapattinam 611 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the first respondent to allot one seat to the petitioner's daughter namely N.Manimozhi for B.F.Sc based on the 2nd respondent's counselling call letter dated 27.07.2015.

For Petitioner : Mr.G.Rajesh

For Respondents : Mr.Vijayakumar (R1 and R2)
Senior Counsel

O R D E R

Heard both sides.

2. The petitioner is a minor girl child belonging to the Scheduled Caste community and her father is a fisherman. She is residing at Nallaur Village in Pudukottai District. She was issued with the call letter for the counseling to the course of B.F.Sc. which was proposed to be held on 14.08.2015. She was supposed to be present between 8.30 to 10.00 A.M. She along with her uncle started

her travel by 3.30 a.m. but she could not reach the destination before 10.00 and she reached only by 10.10. A.M .It is stated that she was also not feeling well on that day.

3. Even according to the respondents she reached the place at about 10.40 P.M. As she was not present between 8.30 P.M. to 10.00 A.M., she was not considered, though admittedly marks obtained by her would ensure that she would get a seat in the scheduled cast category. Five seats have been earmarked under Scheduled Caste Category. The last candidate viz., the fifth candidate's cut-off is 184.75, which means the petitioner would have got the seat in B.F.Sc. on merits based upon the cut-off obtained by her. Even, there is no dispute about her community.

4. The fact that the petitioner was present at about 10.40 A.M. is not in dispute. The list was not published when she was present. Thus, the timing fixed between 9.30 to 10.30 cannot be put against her, in obtaining the seat for B.F.Sc. Admittedly, the timing is fixed only for the purpose of counselling and not otherwise. It is not as if the petitioner was not available on the date of counselling. The said timing is much prior to the usual working hours meant for the public servants. The petitioner has also averred the reasons which appear to be justified. She is not expected to travel and be present in the place of counseling on the prior date. The fact that she is a resident of Nallur village is also not in dispute. She has to travel for about four to five hours to reach the destination. Even, her financial condition did not permit her to reach the place, on the prior date. Therefore, there is every justification for her presence at 10.40 A.M.. It is also that the petitioner is the second candidate in the waiting list. If she can be considered from the waiting list then there is no justification for non selection on merit on that date.

5. In the light of the above said reasons, this Writ petition is allowed and a direction is issued to the first respondent to allot one seat to the petitioner viz., N.Manimozhi for B.F.Sc based on the 2nd respondent's counselling call letter dated 27.07.2015, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

arr

To

1.The Tamilnadu Fisheries University,
First line Beach Road,
Ngapattinam-611 001.

2. The Chairman,
UG Admission Committee,
The Tamilnadu Fisheries University,
First Line Beach Road,
Nagapattinam 611 001

+1 cc to Mr.R.Vijayakumar, Advocate, sr.4600

+1 cc to Mr.G.Rajesh, Advocate, sr.45861

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