

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.29225 of 2015

and

M.P.No.1 of 2015

S.Natramizharasi
Represented by her
father Mr.K.Subramani.

...Petitioner

- Vs -

The Dean (Agriculture) and
Chairman Admissions,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondent herein to allot admission or to transfer the petitioner for a seat in B.Sc., (Agriculture) Course in the Constituent College of Tamil Nadu Agricultural University, Coimbatore place of the student who secured lower mark than the petitioner and give admission to the said course.

For Petitioner : Mr.D.Selvaraj

For Respondent : Mr.Anand David
for Mr.Abdul Saleem

O R D E R

This Writ Petition has been filed praying for a direction to the respondent herein to allot admission or to transfer the petitioner for a seat in B.Sc., (Agriculture) Course in the Constituent College of Tamil Nadu Agricultural University, Coimbatore in place of the student who secured lower mark than the petitioner and give admission to the said course.

2.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. The petitioner has applied for admission to the course of B.S.c. (Agriculture) through the Single Window Selection System conducted by the respondent. On the basis of cut off mark, she was called for third phase of counseling held on 07.08.2015. Since, there was no vacancy in the Government College, she was given the seat in a private college. Alleging that there are vacancies in the Government Colleges, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. When the matter is taken up for hearing, on instructions, the learned counsel appearing for the respondent has expressed two difficulties in considering the request of the petitioner. The first is with respect to information brochure in which the mode of selection says that the student who exercise the choice with respect to degree and college cannot be allowed to change as it would become final. The second difficulty expressed by the learned counsel for the respondent is that there is no vacancy in the Government College as on today.

5. Coming to submission made with respect to mode of selection, this Court is of the view that the said claim cannot put against the student from being considered for the vacancy that is available in the Government College. Admittedly, the fee structure of the Government College is different from the private college and therefore the said clause has to be interpreted qua a preference or a choice. In other words, such a clause can be interpreted in such a way that if any vacancy arises in the Government College, the student though admitted in the private college can be considered to be admitted in the Government College, based on merit. Otherwise the said clause would become arbitrary, notwithstanding the merit of the candidate concerned. It does not thus, deal with the entitlement in being considered for a government college based on merit, when subsequent vacancy arises.

6. Hence, a direction is issued to the respondent to consider the case of the petitioner on merits and in accordance with law, by taking into consideration of the marks obtained by her in the merit list which is inclusive of the waiting list with respect to the future vacancies are concerned in any one of the Government Colleges. This direction is given based on the submission made by the learned counsel for the respondent to the effect that there is no vacancy available in the Government College as on today.

This Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

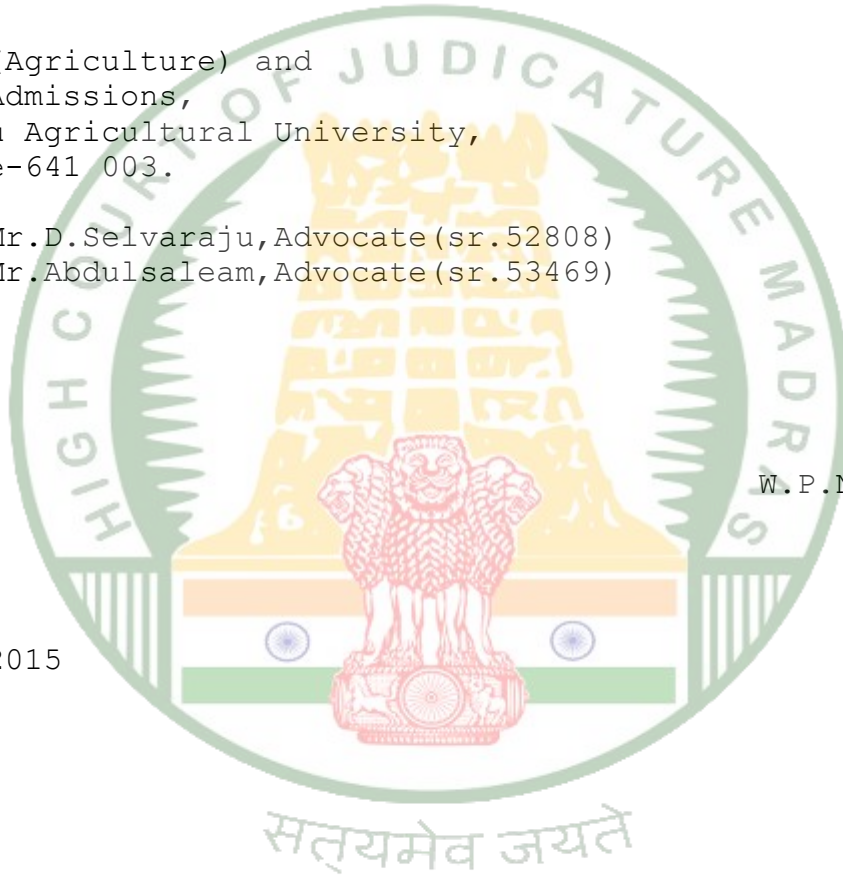
The Dean (Agriculture) and
Chairman Admissions,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

+1 cc to Mr.D.Selvaraju, Advocate (sr.52808)

+1 cc to Mr.Abdulsaleam, Advocate (sr.53469)

W.P.No.29225 of 2015
and
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AD(co)
cp 08/10/2015



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