

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.5342 of 2015

J.M.S.College of Education,
Rep. By its Correspondent,
Kavaloor Village, Naickanoor Post,
Alangayam (Via), Vaniambadi Taluk,
Vellore District.

... Petitioner

Vs.

The Registrar,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to approve the admission of Arivumani C in the petitioner college for the academic year 2014-2015.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.U.Venkatesan

O R D E R

The petitioner is the College, which admitted a student-C.Arivumani for the academic year 2014-2015 for the B.Ed. Course. The said student has completed UG Course in Statistics. In the Government Order passed in G.O.Ms.No.72, Higher Education Department, dated 30.04.2013, the B.Sc. (Statistics) has been made equivalent to B.Sc.(Mathematics). However, the respondent has not approved the admission of the said student on the ground that in view of the Government Order passed in G.O.Ms.No.92, Higher Education Department, dated 21.05.2014, one should have taken Mathematics as optional subject, however, the said student, having obtained a degree only in Statistics, is not eligible for admission.

2. Learned counsel appearing for the petitioner submitted that the Government Order passed in G.O.Ms.No.72, dated 30.04.2013, would govern the case on hand. It has been done by the Equivalence Committee. Though it has been made for appointment, the same ratio has to be considered for admission as well. Reliance has also been placed upon the G.O.Ms.No.121, Higher Education (G1) Department, dated 04.07.2013. It has been carried over to G.O.(1D) No.92, Higher Education (G1) Department, dated 21.05.2014. Basing reliance upon the additional affidavit filed in support of the writ petition, learned counsel for the petitioner further submitted that for the previous academic year, one K.Sulochana who studied B.Sc. (Statistics) was given admission and approval and thereafter, she duly completed her course.

3. Learned counsel appearing for the respondent submitted that G.O.Ms.No.72, dated 30.04.2013, has been superseded by G.O.Ms.No.92, dated 21.05.2014, which is similar to that of G.O.Ms.No.121, dated 04.07.2013. Thus, no reliance can be made on the said Government Orders and the admission made to another student for the previous year by name K.Sulochana. It is further submitted that the petitioner, having not completed UG in Mathematics, is not entitled for the admission and only the students who have completed UG in applied mathematics alone can apply for Mathematics. Reliance has been made on the Government Order passed in G.O.(1D) No.92, dated 21.05.2014, to the effect that the selection shall be made in accordance with the Regulations of the University/Government of Tamil Nadu Guidelines for admission to B.Ed. Course in force from time to time.

4. In reply to the above said contention, learned counsel for the petitioner submitted that the said Government Order has been complied with by getting equivalence certificate from the University concerned.

5. A perusal of the Government Order passed in G.O.Ms.No.121, dated 04.07.2013, and the subsequent Government Order passed in G.O.(1D) No.92, dated 21.05.2014, would show that there is no difference with reference to the Mathematics subject. In other words, the position as stood in G.O.Ms.No.121, dated 04.07.2013, has been carried over to G.O.Ms.No.92, dated 21.05.2014. It is further clear that the G.O.Ms.No.72, dated 30.04.2013 has not been superseded. Even

assuming that the said Government Order which speaks about the equivalence by the equivalence committee can be made applicable only to the appointments, the Government Order passed in G.O.Ms.No.121, dated 04.07.2013, have not been incorporated in the subsequent order. In fact, a candidate by name K.Sulochana has been appointed when the Government Order passed in G.O.Ms.No.121, dated 04.07.2013 is in force. In both the Government Orders, a candidate who has done UG course in Applied Mathematics is made eligible to apply for Mathematics. Thus, the respondent cannot deny the approval based upon the said Clause. In the said Government Order, there is no embargo for a student who has completed UG Course in Statistics from being admitted for B.Ed. Course.

6. Apart from that, Clause II(vii)(k) of the Government Order passed in G.O.(1D) No.92, dated 21.05.2014, has been complied with by the petitioner by obtaining equivalence certificate for the relevant subject from the University concerned, namely, Periyar University. It is not in dispute that the Periyar University comes under the Article 12 of the Constitution of India. Reliance placed upon by the learned counsel for the respondent on the general direction as provided in G.O.(1D) No.92, dated 21.05.2014, cannot be accepted, since there is no difference between the said two Government Orders, namely, G.O.Ms.No.121, dated 04.07.2013, and G.O.Ms.No.92, dated 21.05.2014.

7. For the reasons stated above, the writ petition stands allowed. Consequently, a direction is issued to the respondent to approve the admission of a student by name C.Arivumani in the petitioner College, with a period of four weeks from the date of receipt of a copy of this order. The respondent is further directed to publish the result of the said student, subject to the other compliance as per the law, since the said student has already completed the Course. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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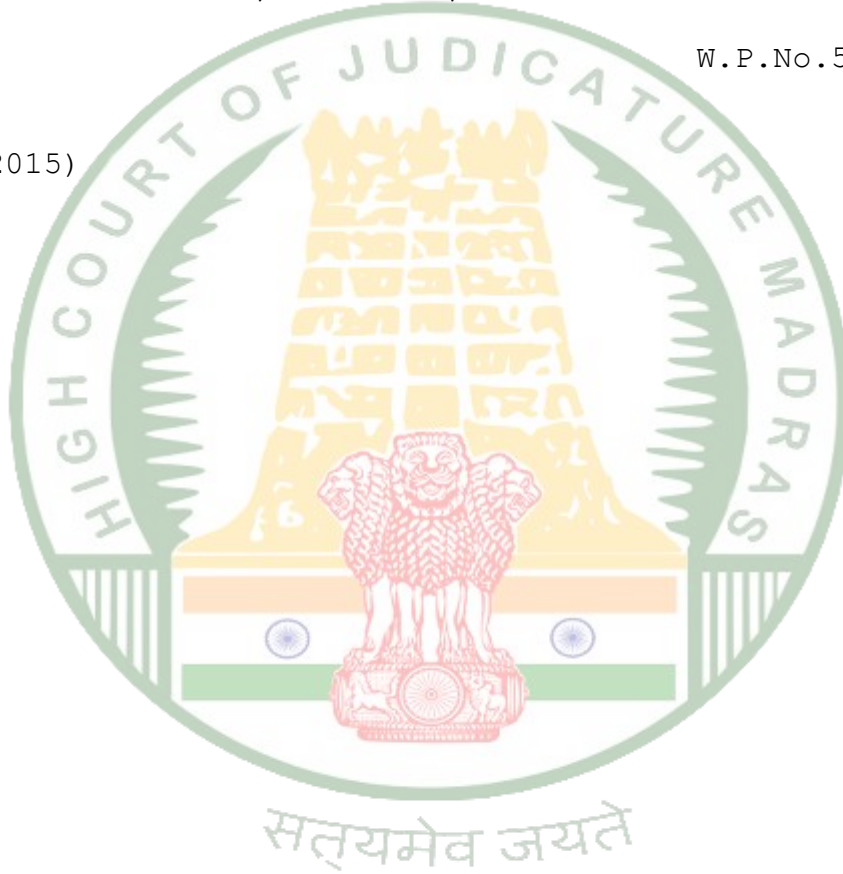
To

The Registrar,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.54091
+1cc to Mr.V.Venkatesan, Advocate, S.R.No.54273

W.P.No.5342 of 2015

GJ(CO)
CA(19/10/2015)



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