

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28259 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the 3.1 respondent in rejecting the seat allocation of petitioner in PWD category for admission into four year engineering degree course (Computer Science Engineering) in NIT – Suratkal (Karnataka State) as illegal arbitrary and un-constitutional and consequently direct the respondents No. 1 to 3 to lower the visually handicapped in the PwD (Persons with Disability) category from a minimum of 40% to 25% and to consider admission.”

Heard Sri S.V. Suresh, learned counsel for the petitioner, Sri P. Devendar, learned Standing Counsel for Union of India and Sri Aka Venkata Ramana, learned counsel for respondents 2 to 5, apart from perusing the material available before this Court.

According to the petitioner, he completed his Intermediate Education conducted by the Board of Intermediate Education, Telangana State in the year 2015 and obtained eligibility to apply for J.E.E. (Joint Entrance Examination). It is further stated that the petitioner herein applied J.E.E. conducted by C.B.S.E. for admission into I.I.T., N.I.T., I.I.I.T and G.F.T.I., and the said examination was held in two phases i.e., on 04-04-2015 and 24-05-2015. The petitioner herein got qualified in the entrance examination and subsequently basing on the marks secured by petitioner in J.E.E., the petitioner got seat in N.I.T., I.I.I.T. etc.

It is also submitted by the learned counsel for the petitioner

herein that after allotment of said rank the petitioner was asked to submit preferences to the corresponding states, wherein N.I.T. and I.I.I.T. are existing and basing on the rank of allotment the petitioner herein was allotted N.I.T.-Suratkal (Karnataka) in Computer Engineering and the petitioner herein went through the admission process and paid necessary fee vide challan No.CP23544864, dated 07-07-2015 for Rs.20,000/-. Subsequently, the petitioner herein was asked to report to the nearby N.I.T. center and Warangal, being a close proximity place to the petitioner, the petitioner herein reported to the 3rd respondent herein and at the time of verification of documents by the 3rd respondent it was informed that the petitioner was not entitled for allotment of seat in PwD category on the ground that the disability of the petitioner herein is only 30% and the required percentage is 40% disability.

It is also requested in the writ affidavit by the petitioner that to direct the respondents 1 and 2 to lower the percentage from 40% to 25% disability and further to direct the respondents 1 and 3 to consider the petitioner's candidature.

On the contrary, it is stated by the learned Standing Counsel for respondent No.1 and Sri Aka Venkata Ramana, learned counsel for respondents 2 to 5 that as per JoSAA (Joint Seat Allocation Authority) Rules, the minimum disability is 40% to be eligible to get a seat under PwD category and the petitioner herein does not fulfill the said eligibility, as such, no seat was allotted to the petitioner herein.

Instruction No.7 stipulates that the candidates coming under persons with disability (PwD) category, a minimum of 40%

disability is required subject to the condition that the candidate is capable of carrying out activities related to theory and practical work as applicable to B.E./B.Tech/B.Arch Courses.

Admittedly, in the present writ petition the validity of the same is not under challenge. In view of the said requirement, which prescribes 40% disability, no relief can be granted to the petitioner herein in the present writ petition. It is also significant to note that as per the Medical Certificate produced by the petitioner herein, which is enclosed as material paper along with the writ petition disability of the petitioner herein is only 30%.

For the aforesaid reasons, the writ petition is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

September 09, 2015

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THE HON'BLE SRI JUSTICE A.V. SETHA SAI

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