

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24270 of 2016
and W.M.P.No.20743 of 2016

N.Vasudevan

... Petitioner

Vs.

1. Directorate of Technical Education,
Chennai - 600 025,
Rep. By its Secretary.

2. The Secretary,
Anna University,
Tamil Nadu Engineering Admission 2016-17,
Guindy,
Chennai - 600 025.

3. The Secretary,
Second year B.E./B.Tech. Degree Admissions-2016,
Alagappa Chettiar College of
Engineering and Technology,
Karaikudi- 630 004.

4. Institute of Road and Transport Technology,
Sri Vasavi College Post,
Erode District - 638 316.
Rep. By its Principal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Mandamus, directing the respondents to treat the petitioner as an open category candidate instead of ST category candidate and admit the petitioner in the 2nd year B.E.Mechanical (Automobile) Engineering in the 4th respondent college.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.P.Rajalakshmi,
Government Advocate [R1]

Mr.M.Vijayakumar [R2]

O R D E R

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

2. The petitioner claims that he belongs to Hindu Kurumans Schedule Tribe Community and his father viz., Mr.B.Narasimman applied for Kurumans community certificate to him and his brother viz., N.Nithish and the said application have not been considered and therefore, the father of the petitioner had filed W.P.No.11797 of 2014 to consider and pass orders on his application for issuance of community certificate and this Court, has disposed of the writ petition on 25.04.2014, directed the concerned official respondents to consider and dispose of the application in accordance with law within a stipulated time frame. However, the concerned official viz., Revenue Divisional Officer, had rejected the application holding that the father of the petitioner does not belong to Hindu Kuruman Community and challenging the legality of the same, W.P.No.575 of 2015 was filed and it was admitted on 09.01.2015 and the same is pending consideration.

3. In the interregnum , the second respondent called for application for B.E./B.E.Tech., for the academic year 2016-2017 and accordingly, the petitioner had applied for the same under the Schedule Tribe quota and since it was not considered, he filed W.P.No.22639 of 2016 and this Court granted ad-interim direction, directing the second respondent to consider his claim under the schedule Tribe category.

4. The learned counsel appearing for the petitioner would submit that since the cut-off mark secured by the petitioner would enable him to get admission even under the open category quota, the second respondent may be directed to consider the claim of the petitioner under the said quota and would further submit that since the earlier writ petition in W.P.No.22639 of 2016 has been withdrawn by him, there cannot be any impediment on the part of the second respondent to consider his claim and prays for appropriate orders.

5. Per contra, Mr.M.Vijayakumar, the learned Second respondent would contend that the petitioner is taking a contradictory stand stating that he belongs to Hindu Kuruman Schedule Tribe Community and now he wants to consider his claim under the open category quota and the petitioner has to take a particular stand to sustain his claim.

6. This Court has carefully considered the rival submissions and also perused the materials before this Court it.

7. In the light of withdrawal of W.P.No.22639 of 2016 by the petitioner, in the considered opinion of this Court, there cannot be any impediment on the part of the second respondent to consider the claim of the petitioner under open category quota, as according to the petitioner, his cut-off mark enables him to get admission even under that quota.

8. In the result, this writ petition is disposed of and the second respondent is directed to consider the claim of the petitioner under open category for Engineering admission for the academic year 2016-2017 by calling him for counseling and thereafter, pass appropriate orders in accordance with norms and regulations and communicate the same to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

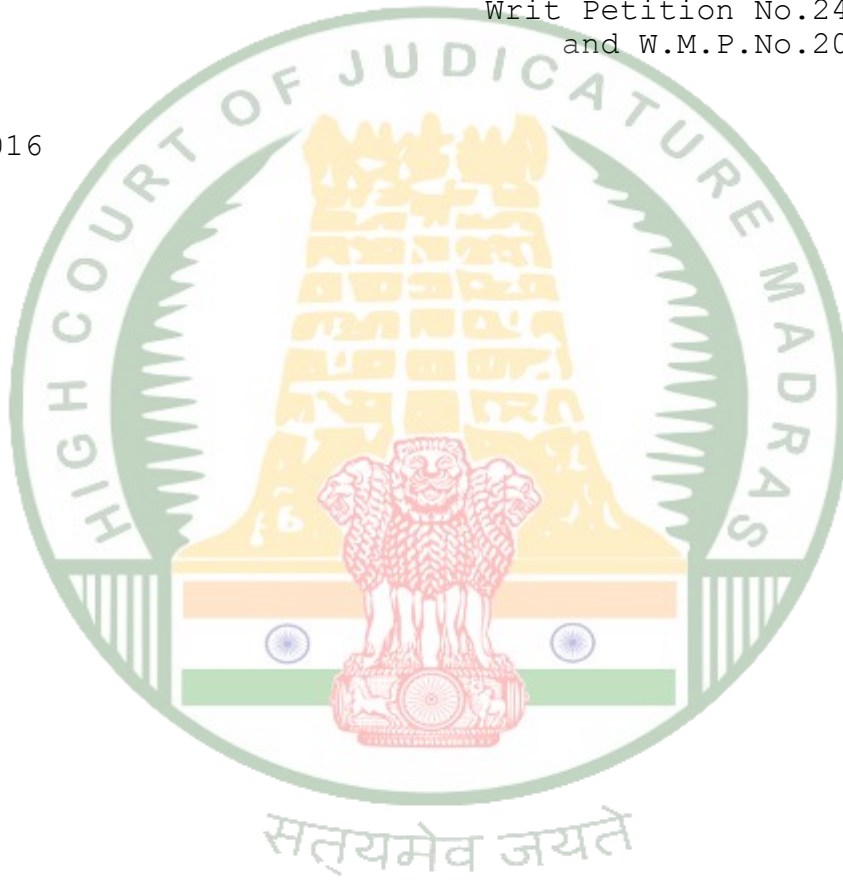
To

- 1.The Secretary,
Director of Technical Education
Chennai - 600 025,
- 2.The Secretary,
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Tamil Nadu Engineering Admission 2016-17,
Guindy,
Chennai - 600 025.
- 3.The Secretary Second year B.E/B Tech.Degree Admissions
-2015 Alagappa Chittiar College of Engineering and
Technology, Karaikudi-630 004
- 4.The Principal
Institute of Road and Transport Technology
Sri Vasavi college Post,
Erode District-638 316

+1 cc ot Government Pleader High Court Madras
sr 39687/16
+1 cc to Mr.S.Doraisamy Advocate sr.39595/16
+1 cc to Mr.M.Vijayakumar Advocate sr.39445/16

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