IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.35105 of 2016

Ms.Mehala Koneru (minor)
through her natural guardian,
Swapna Koneru. ... Petitioner

Vs.

1.Tamil Nadu Agricultural University,
rep. by its Registrar,
Coimbatore – 641 003.

2.The Co-ordinator,
Tamil Nadu Agricultural University
U.G.Admission 2016,
Coimbatore – 641 003.

3.The Dean (Agriculture) & Chairman (Admissions),
Tamil Nadu Agricultural University,
Coimbatore – 641 003. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant a seat in the course B.Tech (Horticulture and transfer the stream of the petitioner from B.Tech (AIT) to B.Tech (Horticulture) for the present academic year itself i.e. 2016 – 1017.

For Petitioner : Mr.A.Venkatachlapathy,
Senior Counsel,
for M/s.P.T.Geotom

For Respondents : Mr.Abdul Saleem

WEB COPY

O R D E R

Mr.Abdul Saleem, learned Standing Counsel for the respondents, takes notice on behalf of the respondents. With consent of the counsel, the Writ Petition itself is taken up for disposal at the admission stage.

https://hcservices.ecourts.gov.in/hcservices/

2. This Writ Petition has been filed for a Mandamus seeking transfer of the petitioner from B.Tech (AIT) to B.Tech (Horticulture) in the academic year 2016 - 1017 itself.

3. According to the learned Senior Counsel appearing for the petitioner, respondent University was allowing the candidates who had pursued a course comprising Biology, Physics, Chemistry and Computer Science as an elective subject, in XII Standard to apply for B.Tech (Horticulture). Therefore, the petitioner studied a course comprising Biology, Physics, Chemistry and Computer Science in XII Standard and passed the course in the year 2016 but she was surprised to see eligibility of subjects to apply for B.Tech (Horticulture) in the prospectus of the respondent University for the year 2016-17 as the respondent University has changed the required subjects such as Biology, Physics and Chemistry and an elective science subjects such as Biotechnology, Microbiology, Biochemistry and Home Science. As the petitioner has studied computer as an elective subject, she could not apply for B.Tech (Horticulture). Therefore, the petitioner applied to B.Tech (Agricultural Information Technology) under the Industrial Quota thinking that she could opt for B.Tech (Horticulture) at the time of admission. But, at the time of admission, she was allotted only the applied seat and could not opt for the B.Tech (Horticulture). It is submitted by the learned Senior Counsel for the petitioner that on 8.6.2016, well before the admission was closed, the petitioner had sent a representation to the Dean (Agriculture) and Chairman (Admission), Agricultural College and Research Institute/the third respondent herein stating the background of the family and her interest in studying the said course and to consider her admission in the said course on the eligibility criteria given in the prospectus for the year 2014-2015. Till date, there was no action being taken on the said representation. The petitioner had opted for the above said ground in 11th and 12th Standard only after thorough enquiry with the University and after going through the prospectus for the year 2014-15 and the petitioner could not change the group in between. If the petitioner is not granted admission, her right to eduction of her own choice would be violated. It is given to understand that still a certain number of seats under Industrial Quota are vacant and allotment of a seat to the petitioner would not violate the right of any person or cause any injustice to any person as the admission process was complete and vacant seats can be filled by eligible candidates who had already applied through transfer system by the respondent University. As such, he prays for a direction to the respondents to accommodate petitioner in B.Tech (Horticulture) Course.

4. The learned Standing Counsel for the respondents would submit that as the petitioner has not studied elective subject as any science subject and the petitioner studied computer science as an elective subject, which is not a science subject prescribed as elective subject by the respondent University for B.Tech

https://hcservices.ecourts.gov.in/hcservices/

(Horticulture), the petitioner is not entitled for the said course. Even in the prospectus, it has been very clearly stated that only Physics, Chemistry, Biology with a fourth (elective) subject viz., Biotechnology, Microbiology, Biochemistry and Home Science are eligible for B.Tech (Horticulture).

5. Heard both sides.

6. The contention of the petitioner that two years back, the candidates who had studied computer science was given admission for B.Tech (Horticulture) and suddenly, the respondents have changed the elective subject for B.Tech (Horticulture) and that the petitioner studied 12th Standard with computer science, a elective subject, with a fond hope that she could pursue B.Tech (Horticulture) and because of the change in the elective subject required for B.Tech (Horticulture) for the admission in the year 2016-17, the petitioner could not apply, all these reasons cannot be a ground to issue a writ of Mandamus with regard to the relief sought for in the Writ Petition. The admissions are governed by the rules and regulations given in the prospectus for the relevant year. In the prospectus for the relevant year, the required subjects for B.Tech (Horticulture) are clearly mentioned, which are made available in the typed set of papers filed in the Writ Petition. They are as follows:-

Table 3. Eligible Subjects of Study in the Qualifying Examination

Sl.No.	Degree	[+2] subject requirement
7	B.Tech (Horticulture)	Group I : Mathematics, Physics, Chemistry and Biology or Group II: Physics, Chemistry, Biology with fourth (elective) subject viz., Biotechnology, Microbiology, Biochemistry and Home Science Or Group II (A) Physics, Chemistry, Botany and Zoology

Therefore, according to the prospectus, she is not eligible for the B.Tech (Horticulture) for the year 2016-17. It is not in dispute that the petitioner did not possess the required subjects as mentioned in the prospectus on the date of making application for the

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

B.Tech (Horticulture). When the petitioner is not eligible for a particular course, she cannot be permitted to pursue such course by way of transfer from other stream after getting admission. I find no merit in the contention of the petitioner. The relief sought for by the petitioner cannot be granted.

7. The Writ Petition fails and the same is dismissed. No costs.

asvm

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

copy to:

1.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.

2.The Co-ordinator,
Tamil Nadu Agricultural University
U.G.Admission 2016,
Coimbatore - 641 003.

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

+1CC to MR.P.T.GEOTOM Advocate SR.NO.677800
+1CC to MR.ABDUL SALEEM Advocate SR.NO.67428

W.P.No.35105 of 2016

SV[CO]
MK:11/01/2017

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/