

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.20775 of 2017

and

W.M.P.Nos.21603 and 21604 of 2017

Minor D.Abranth Srivatsav
rep. By Mother and Natural Guardian
B.Usha jdevi
W/o jDayal Nathan
Plot No.8, Door No.17
Sri.L.H.Nagar 1st Main Road,
Adambakkam, Chennai-600 088

... Petitioner

Vs.

The Secretary,
Tamilnadu Engineering Admissions 2017-18
Anna University
Guindy, Chennai-600 025.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for records relating to the counselling calling letter with reference to application No.262476 to quash the same and to consequently direct the respondents to permit the petitioner to participate in the ongoing counselling as per his merits and to opt for a college of his choice so as to join the engineering course and complete the same commencing the academic year 2017.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.L.P.Shanmugasundaram
Standing Counsel

O R D E R

The petitioner is aggrieved against the rejection communication issued by the respondent refusing to call the petitioner for counselling to Engineering admission on the reason that his aggregate mark for the relevant subjects is zero. Consequently, the petitioner seeks for a direction to the

respondent to permit the petitioner to participate for the ongoing counselling as per his merits and to opt for a college of his choice so as to join the engineering course and complete the same.

2. Mr.L.P.Shanmugasundaram, learned Standing Counsel takes notice for the respondent and by consent the main writ petition itself is taken up for final disposal.

3. The case of the petitioner is as follows:

He secured pass in Indian School Certificate Examinations during the year 2017 conducted by the Council for Indian School Certificate Examinations, New Delhi, which is recognised by the Government of India. As per the Regulations, Pass Certificate is issued by fixing the aggregate of 40% marks in Mathematics, Physics & Chemistry put together. It is, on the said basis of awarding pass, the petitioner obtained an aggregate of 40% in Mathematics, Physics and Chemistry and accordingly, he was issued with a pass certificate. He made an application for admission in the engineering course. He belongs to Most Backward Class Community. However, the petitioner was not called for counselling by erroneously citing that the petitioner has obtained only zero in aggregate marks.

4. Mr.L.Chandrakumar, learned counsel appearing for the petitioner invited this Court's attention to the prospectus issued by the respondent University in respect of admission to the Engineering course, wherein, it is referred that a Pass with minimum average mark in Mathematics, Physics, Chemistry put together is stated as 40% as qualification for Most Backward Class community. He then invited this Court's attention to the marks obtained by the petitioner in the Indian School Certificate Examinations showing that he obtained 23 marks in Mathematics, 46 marks in Physics and 51 marks in Chemistry. Thus, he submitted that the total marks of all the three subjects comes to 120 and aggregate of the same comes to 40% and therefore, the petitioner is entitled to be considered for counselling even as per the prospectus issued by the respondent University. He further invited this Court's attention to the pass certificate issued by the said Indian School Certificate Examinations stating that pass certificates will be awarded to candidates who at one and the same examination attain the pass standard in four or more subjects which must include the subject English. Thus, he submitted that the petitioner having obtained 78 marks in English and obtained pass in other three subjects, mainly in Physics Chemistry and Biology, the petitioner was declared pass and issued a pass certificate accordingly.

5. Learned counsel appearing for the respondent University, based on instruction, submitted that as per the norms followed

by the Department of Government Examination - Higher Secondary Examination, the candidate should secure a minimum of 35 marks out of 100 for each subject, failing which, the candidate will not be awarded pass. Thus, he submitted that the petitioner having secured only 23% in Mathematics and though the Board of the petitioner awarded pass, his application has been rejected for counselling.

6. Heard both sides.

7. The petitioner has undergone +2 course in Indian School Certificate Examination Board and obtained pass certificate which is evident from the statement of marks issued by the Council for Indian School Certificate Examinations, New Delhi, and made available in the typed set of papers. A perusal of the said mark sheet would show that the petitioner has obtained the following marks.

Subjects

External examination

ENGLISH	78	SEVEN EIGHT
MATHEMATICS	23	TWO THREE
PHYSICS	46	FOUR SIX
CHEMISTRY	51	FIVE ONE
BIOLOGY	55	FIVE FIVE

8. It is also seen from the said statement of marks that the petitioner was declared as pass in the said examination. No doubt, the petitioner has obtained only 23 marks in Mathematics. However, in the very same certificate it is stated that the pass certificates will be awarded to candidates who at one and the same examination attain the pass standard in four or more subjects which must include the subject English. Therefore, there is no difficulty in accepting that the petitioner was rightly awarded pass by the said Board. Now, the question is whether the petitioner is entitled to be considered for counselling. According to the respondent, the petitioner has obtained only "0" as aggregate and therefore, he is not entitled to be considered for counselling. I do not think that the respondent is justified in saying so, especially, when the petitioner's marks in Mathematics, Physics and Chemistry put together comes to 120 and the aggregate of the same is 40%. When we consider the prospectus issued by the respondent University indicating the qualifying examination and its eligibility, it is made clear that a pass with minimum average marks in Mathematics, Physics, Chemistry put together must have 40% insofar as M.B.C. and D.N.C. Community is concerned. The petitioner belongs to Most Backward Class Community and there is no dispute to the said fact since the counselling call letter issued by the respondent University specifically indicates the community of the petitioner as MBC/DNC. The only reason for

rejecting the counselling is that the aggregate mark obtained by the petitioner is zero, which is factually incorrect as discussed supra. The petitioner has also filed his community certificate and that of his mother's community certificate indicating that he belongs to Most Backward Class community. The learned counsel appearing for the respondent University is not disputing the community status of the petitioner.

9. Considering all these facts and circumstances, I am of the view that the respondent University is not justified in refusing permission to take part in the counselling and consequently, the respondent University is bound to permit the petitioner to take part in the counselling. Accordingly, the writ petition is allowed and the impugned counselling call letter with reference to the petition application 262476 is quashed and consequently, the respondent University is directed to permit the petitioner to take part in the counselling/admission in the B.E. Course in the M.B.C. Quota. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

The Secretary,
Tamilnadu Engineering Admissions 2017-18
Anna University
Guindy,
Chennai-600 025.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.56131
+1cc to M/s.L.P.Shanmugasundaram, Advocate,
S.R.No.56355(08.08.2017)

W.P.No.20775 of 2017

AR CCC
CA(04/08/2017)