

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HON'BLE MR.JUSTICE NOOTY. RAMAMOHANA RAO
and
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A. No.842 of 2017

S.Sumathi .. Appellant/Petitioner

/vs/

- 1.The Secretary
Tamil Nadu Engineering Admission (TNEA)
Anna University,
Chennai - 25.
- 2.The Chairman,
Conveyor Committee,
Anna University,
Chennai - 25.
- 3.The Dean,
College of Engineering,
Guindy,
Anna University, Chennai - 25.
- 4.The Director of Technical Education,
Directorate of Technical Education,
Chennai - 25.

.. Respondents

Prayer: This writ appeal has been filed under Clause 15 of the Letters Patent against the order passed by the learned Single Judge of this Court dated 10.07.2017 in W.P.No.16375 of 2017.

WP:Filed under Article 226 of the Constitution of India to issue the writ of Mandamus in the nature of Writ or direction directing the Respondents to accept the Petitioner son Minor S.Dhamodaran Application Number 214687 and allot the random number engineering cutoff mark 196/200 MBC and permit the Petitioner son to attend the TNEA Counseling to be held in the month of June/July of 2017.

For Appellant : Mr.A.E.Kalaiselvan

For R1 to R3 : Mr.Mohanaraja

For R4 : Mr.P.Sivashanmuga Sundaram, SGP

JUDGMENT

(Order of the Court was made by Nooty. Ramamohana Rao, J.)

The entire dispute that arose in this case rests on the failure of the writ petitioner/appellant to submit the hard copy of the application form along with the copy of the necessary certificates in proof of the claim made in the application. On that ground alone, the participation in the process through counselling for admission to Engineering Course has been denied to the writ petitioner.

2. We are of the opinion that in the face of the marks obtained and ranking assigned to the writ petitioner - there is no dispute on that count - the non-submission of the application form off line/hard copy is far too technical an error, which has affected the right of the writ petitioner/appellant for securing admission itself.

3. The students, who are in the age group of 17 or 18, inspite of the best intention, commit errors, particularly, if they are hailing from the rural areas and the submission of the application form through online mode not being too familiar, results in failure with such activity. The students are bound to make one mistake or other. Passing necessary eligibility test to secure admission is one thing and non-submission of proof of such claim is altogether a different thing. The substantive rights taking the claim for admission rests essentially upon ranking obtained and social structural advantage, if any, which is available or claimed. The submission of proof of such claim falls with the realm of procedure. While substantive rights and obligations have got to be complied with, procedural requirements, perhaps, can be complied with, even after the cut off date. Submission of proof/application form hard copy, thus, fall in procedural requirement. For such an error, the students shall not be penalised.

4. We draw substantive inspiration from the decision of the Hon'ble Supreme Court reported in (2005) 9 SCC 779 (Dolly Chhanda v. Chairman, Jee and others), wherein in para 7, it has been held as follows:

"7.The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e., in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or mark sheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidatures."

5. Hence, we allow this writ appeal, directing the respondents to treat the application of the writ petitioner submitted through online as responsive even though the hard copy of the application with necessary documents thereto may have been received after the cut off date and on that basis, process the admission of the writ petitioner. The claim of the writ petitioner, be entertained for counselling as quickly as possible by accepting the application submitted by the writ petitioner along with the enclosures thereto, if not already submitted, within 24 hours from today. We impose token costs of Rs.1,000/- payable to the Tamil Nadu Engineering Admission (TNEA) Authority for lapse of concentration on the part of the writ petitioner. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary
Tamil Nadu Engineering Admission (TNEA)
Anna University,
Chennai - 25.

2.The Chairman,
Conveyor Committee,
Anna University,
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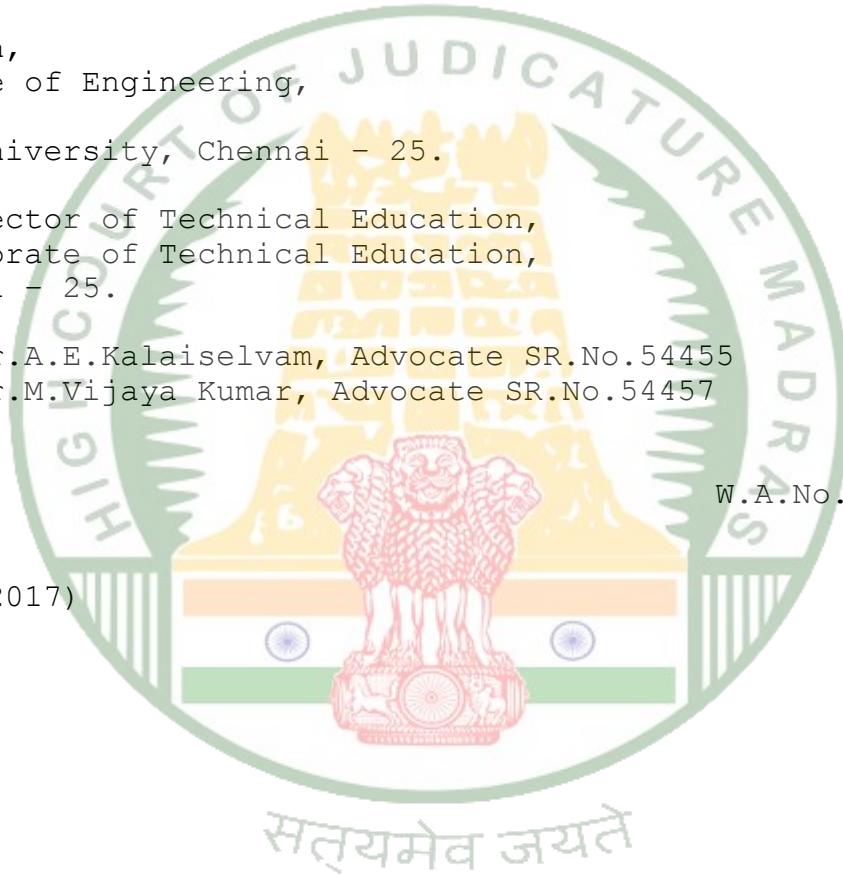
4.The Director of Technical Education,
Directorate of Technical Education,
Chennai - 25.

+1cc to Mr.A.E.Kalaiselvam, Advocate SR.No.54455

+1cc to Mr.M.Vijaya Kumar, Advocate SR.No.54457

W.A.No.842 of 2017

VGII (CO)
GN(31/07/2017)



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