

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.21267 of 2017andW.M.P.Nos.22170 & 22171 of 2017

Minor.A.Philip Alwin
rep. by his father & Natural Guardian
Mr.Arjunan V.C.
No.18, Main Road,
Indra Nagar,
Thirumani, Chengalpattu,
Kanchipuram - 603 111

... Petitioner

VS.

1. The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Secretary/ Member Secretary,
Tamil Nadu Engineering Admissions (TNEA),
Anna University,
Sardar Patel Road,
Guindy,
Chennai - 600 025.
3. The Registrar,
Anna University,
Sardar Patel Road,
Guindy,
Chennai - 600 025.

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4. The Director,
(Admissions),TNEA,
Anna University,
Sardar Patel Road,
Guindy,
Chennai - 600 025.

5. The Council for Architecture,
India Habitat Centre,
Core-6A, 1st Floor, Lodhi Road,
New Delhi - 110 003.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records from the 2nd respondent and quash the rejection by online communication dAted 01.08.2017 issued by the 2nd respondent concerning the Application No.4478 Random No.9403173185 pertaining to the B.Arch., degree Course,2017-2018 and consequently directing the respondents to accept the petitioner's Application No.4478 relating to the admission of B.Arch., Degree Course 2017-2018 as per random No.9403173185.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mr.A.Kumar,
Special Government Pleader for R1
Mr.M.Vijayakumar,
Standing Counsel for R2 to R4

ORDER

The petitioner is aggrieved against the communication of the 2nd respondent dated 01.08.2017 for not considering the petitioner for admission into B.Arch Course for the academic year 2017-2018.

2. Learned counsel appearing for the petitioner invited this Court's attention to G.O.(D)No.242 Higher Education Department dated 18.07.2017 and submitted that as per the said Government Order, the respondents, after conducting the counseling based on TANATA Examination, have to fill up the remaining vacant seats based on the marks obtained in +2 examination and the marks obtained in JEE-II. Thus, it is contended on behalf of the petitioner that the respondents have to consider the case of the petitioner while filling up the remaining vacant seats based on the marks obtained in +2 examination and the marks obtained in JEE-II by the petitioner as he is entitled to be considered in view of the above said Government Order.

3. A counter affidavit is filed opposing the writ petition mainly by contending that the petitioner have not appeared and qualified in the NATA and therefore, his candidature was rejected through the impugned order. Learned counsel appearing for the respondent University further submitted that G.O.(D).No.242 dated 18.07.2017 relied on by the petitioner is not applicable to the petitioner to be considered under the Government quota as the said G.O. is applicable only to the remaining seats for Management quota.

4. Heard both sides.

5. Admittedly, the petitioner has not appeared in the Tamil Nadu

Aptitude Test in Architecture seeking for admission to B.Arch. Course for the year 2017-2018 under Management quota and Government quota lapsed seats. What the petitioner wants is that he should be considered while filling up the remaining vacant seats based on his marks obtained in +2 examination and the marks obtained in JEE-II, even though he has not appeared in NATA 2017-2018 in view of G.O.(D) No.242. A perusal of the said G.O., more particularly, the contents at paragraph No.2 of the same, would show that it supports the claim of the petitioner which is extracted as hereunder.

2. The Government after careful examination, authorized Anna University to conduct Tamil Nadu Aptitude Test in Architecture (TANTA) for admission of students into B.Arch. course under Management Quota and Government Quota lapsed seats for the year 2017-2018. As per the current practice being followed, Government quota seats will continue to be filled by Anna University based on the marks obtained in +2 examination and in NATA 2016/2017. As decided by the Committee to regulate/ monitor the admissions of students to Professional courses by Self Financing Professional, Arts and science Colleges chaired by Hon'ble Justice Thiru R.S.Ramanathan, the Management Quota and the Government Quota lapsed seats will be filled up based on the marks obtained in +2 examination and in the marks obtained in NATA 2016/2017. The remaining vacant seats will be filled up based on the marks obtained in +2

examination and in the marks obtained in JEE-II. Then the remaining vacant seats if any, will be filled based on marks obtained in +2 examination and marks obtained in TANATA. The Government constitute the Co-ordination Committee with the following members for conducting Tamil Nadu Aptitude Test in Architecture (TANATA) for admission of students into B.Arch. course under Management Quota and Government Quota lapsed seats for the year 2017-2018.

6. In my considered view, the above said Government Order clearly indicates that after filling up the Management quota and Government quota lapsed seats based on the +2 examination marks and the marks obtained in NATA 2016-2017, still the remaining vacant seats will have to be filled up based on the marks obtained in +2 examination and the marks obtained in JEE-II, which according to the petitioner is the qualification he possesses to be considered for admission into B.Arch. course. I do not think that the learned counsel for the respondent University is justified in contending that the above said G.O. speaks about the seats in the Management quota alone and not Government quota, especially, when such contention, on the face of the very reading of the said G.O., is liable to be rejected, when the Government Order referred to supra is not restricting the benefit to the Management Quota alone. Therefore, I find justification in allowing the writ petition by setting

aside the impugned order. Accordingly, the writ petition is allowed and the impugned order is set aside. Consequently, the respondents are directed to consider the petitioner for admission into B.Arch. Course if he is otherwise eligible as per the marks obtained in +2 examination and the marks obtained in JEE-II. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2017

Speaking/Non-speaking order
Index:Yes/No
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Note: Issue order copy today (28.08.2017)

To

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K.RAVICHANDRABAABU,J.

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