

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.21277 of 2017
and
WMP.Nos.22201 & 22202 of 2017

S.Subisha

..Petitioner

Vs.

The Secretary
The Tamil Nadu Engineering Admission 2017,
Anna University, Chennai.
..Respondent

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in its Ref.No.699/EA3/2017 dated 06.08.2017 insofar as it withholds the petitioner's selection and quash the same and consequently direct the respondent to admit the petitioner to the B.E. degree course (Computer Science and Engineering) under the ST quota for the academic year 2017-2018, pursuant to the provisional allotment made without insisting on production of original community certificate.

For Petitioner: Mr.V.Vijay Shankar
For Respondent : Mr.L.P.Shanmugasundaram,
standing counsel

सत्यमेव जयते
O R D E R

The petitioner is aggrieved by the proceedings of the respondent dated 06.08.2017 insofar as withholding the petitioner's selection and consequently, the petitioner is seeking for a direction to the respondent to admit her to the B.E. degree course (Computer Science and Engineering) under the Scheduled Tribe (ST) quota for the academic year 2017-2018.

2. Mr.L.P.Shanmugasundaram, learned standing counsel takes notice for the respondent. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage.

3. The learned counsel appearing for the petitioner submitted that withholding of the admission of the petitioner intimated through the impugned communication is without properly understanding the order passed by this Court in WP.No.12582 of 2017 dated 08.06.2017, filed by the very same petitioner. Thus, he submitted that when this Court has specifically observed in the order made in WP.No.12582 of 2017 that the petitioner herein is entitled to be treated as though she belongs to Konda Reddis community, the respondent is not justified in withholding the admission and insisting upon the production of the original community certificate on or before 10.08.2017. He further pointed out that the issue with regard to the issuance of the community certificate is pending before the District Collector, by way of an appeal, in pursuant to a direction issued by this Court in WP.No.8457 of 2016 dated 06.06.2016.

4. The learned standing counsel appearing for the respondent fairly submitted that when this Court has passed an order in WP.No.12852 of 2017 dated 08.06.2017, as stated supra, the admission of the petitioner cannot be withheld. However, he submitted that the petitioner should necessarily produce the original community certificate, once it is issued by the competent authority.

5. Heard both sides.

6. It is seen that the claim of the petitioner for issuance of the community certificate under Scheduled Tribe (ST) category is pending by way of an appeal before the District Collector, in pursuant to the order passed by the Division Bench of this Court in WP.No.8457 of 2016 dated 06.06.2016, filed by the petitioner's father. Thereafter, the present petitioner filed another writ petition in WP.No.12852 of 2017 seeking for a mandamus directing the very same respondent herein to consider her for admission to the B.E. degree course for the academic year 2017-2018 under the Scheduled Tribe (ST) category. It is seen that this Court by an order dated 08.06.2017, after hearing both sides, has passed the order wherein, at paragraph No.4 it is observed as follows:

4. At the outset, it is not in dispute that the father of the petitioner's family belongs to Konda Reddis Community which is a notified Scheduled Tribe. In this regard, a Community Certificate was issued by the Tasildhar, Mettur on 24.04.1984 on behalf of the petitioner's father. The said certificate is still in existence. Further, it appears that several of the petitioner's close relatives belong to Konda Reddis Community. In this regard, an affidavit dated 08.06.2017 has been filed by the

petitioner's father, who is at present working as Inspector of Police, Karungalpalayam Police Station, Erode. In this affidavit, it is specifically averred that he was enlisted as Sub-Inspector of Police in March 1996 in the Tamil Nadu Government and he has completed more than 21 years of service and presently, he was working as Inspector of Police. He has specifically affirmed and reiterated that his community certificate, which was issued by the Thasildar, Mettur on 24.04.1984 is valid and subsisting and not cancelled. Under such circumstances, this Court is of the view that the petitioner Subisha is also entitled to be treated as though she belongs to the Konda Reddis Community."

7. Perusal of the order passed by this Court in the above writ petition clearly indicates that the petitioner is entitled to be treated as Konda Reddis community. The learned Judge has also observed that the appeal filed by the petitioner's father before the District Collector seeking for community certificate under the Scheduled Tribe (ST) category is pending. Therefore, it is evident that the respondent is not entitled to withhold the admission of the petitioner, having provisionally selected and allotted a seat for the petitioner under the Scheduled Tribe (ST) quota in a self financing institution. Needless to say that the petitioner after obtaining the community certificate from the competent authority has to produce the same before the respondent as well as the college in which she is admitted.

8. Accordingly, the writ petition is allowed and the impugned communication only insofar as withholding the admission of the petitioner is set aside. Consequently, the respondent is directed to proceed with the admission of the petitioner without insisting for the production of the original community certificate within the time stipulated in the impugned communication. The learned counsel appearing for the respondent is also directed to inform the respondent over phone about the order passed by this Court, without awaiting for the certified copy of the order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

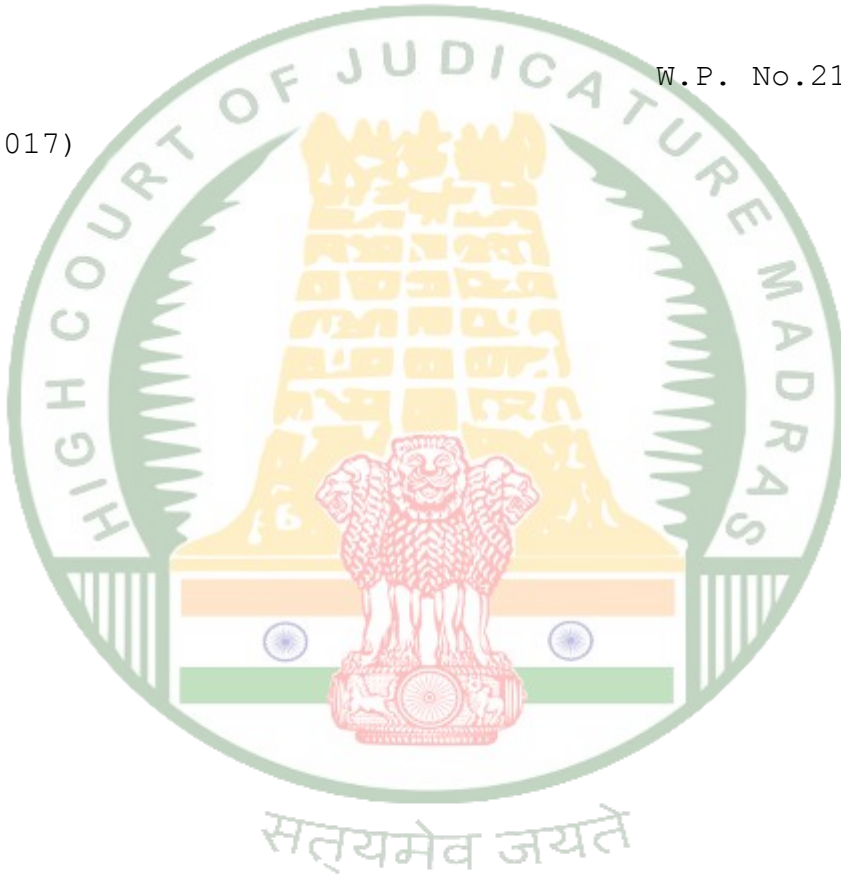
To

The Secretary
The Tamil Nadu Engineering Admission 2017,
Anna University, Chennai.

+1 CC to Mr.L.P. Shanmugasundaram, Advocate sr 57381
+1 CC to Mr.M.V. Vijay Shankar, advocate sr 57413.

W.P. No.21277 of 2017

SP(09/08/2017)



WEB COPY