

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. No. 21535 of 2017

and

W.M.P.No.22521 of 2017

K.Murugan

.. Petitioner

Vs.

1. The Administrative Officer,
Annamalai University,
Annamalai Campus,
Annamalai Nagar - 608 002,
Chidambaram,
Cuddalore District.

2. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District

3. The Director,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District

.. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 29.07.2017 in accordance with law and admit the petitioner's son M.Gowtham in the course of B.Sc., Agricultural Degree Programme as Counselling candidate for the academic year 2017-2018.

For Petitioner: Ms.T.K.Rameshkumar

For Respondent : Mr.K.Sathish Kumar

Standing Counsel, for R1 & R2

O R D E R

The petitioner seeks for a mandamus directing the second respondent to consider the representation dated 29.07.2017 and admit his son M.Gowtham in the Course of B.Sc., Agriculture for the academic year 2017-2018.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent University.

3. The petitioner's son belongs to MBC Community. After completion of +2 course, the petitioner's son applied for B.Sc., Agriculture Degree programme before the respondent University. He was selected and issued with an admit card. He was called upon to pay the tuition and other fees on or before 28.07.2017. But the petitioner's son could not pay the fees on or before the said date and thus made a representation on 29.07.2017, requesting the respondent University to accept the fees by citing some difficulties in mobilizing the fees within the cut off date. As the respondent University has not accepted the request of the petitioner's son, the present writ petition is filed before this Court.

4. The learned counsel appearing for the petitioner submitted that the non-payment of tuition and other fees within the cut off date was neither willful nor wanton and only due to the difficulties expressed by the petitioner in mobilizing the funds. Therefore, he submitted that the case of the petitioner can be considered sympathetically and the respondent University may be directed to admit the petitioner's son in B.Sc., (Agri) Course, by receiving the fees.

5. On the other hand, the learned standing counsel appearing for the respondent University, based on instructions, submitted that the petitioner has not paid the fees before the last date for such payment i.e. on 28.07.2017 and consequently, the seat which has become vacant in pursuant to non-payment of fees by the petitioner's son, has been allotted to the other wait listed candidate. Thus, he submitted that as on date, there is no vacancy for considering the request of the petitioner. However, he submitted that the petitioner's case will be considered, once the counselling for MBBS course is completed and upon completion of such counselling, if any vacancy arises in B.Sc., (Agri) under the communal roster to which the petitioner belongs.

6. Upon hearing the learned counsels appearing on either side and considering the case of the petitioner as well as the University, it is evident that the petitioner's son has not paid

the required tuition and other fees before the last date fixed for such payment. Now, it is stated that the said seat of the petitioner's son, which has fallen vacant for non-payment of tuition fees was allotted to the next wait listed candidate. As it is also stated that there is no vacancy as on today in B.Sc., (Agri) Course, this Court is not in a position to come to the rescue of the petitioner in any manner, as admittedly, the petitioner's son has not chosen to pay the tuition fees within the cut off date. However, as stated by the learned standing counsel for the respondent University, the petitioner's case shall be considered by the University as the first priority after completion of the counselling for MBBS Course at the respondent University and if there is any vacancy in B.Sc.(Agri) Course in pursuant to such counselling.

7. With the above observation, this writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

mk/mm
To

1. The Administrative Officer,
Annamalai University,
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Chidambaram, Cuddalore District.
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Annamalai Nagar,
Chidambaram, Cuddalore District.

3. The Director,
Annamalai University,
Annamalai Nagar,
Chidambaram, Cuddalore District.

+1 Cc to Mr. T.K. Ramesh Kumar, advocate sr 59277
+1 Cc to Mr.K. Sathish Kumar, Advocate sr 59347

W.P.No.21535 of 2017

SP(06/09/2017)