

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 26878 of 2017

&

W.M.P. No. 28647 of 2017

R.K. Aruneashwar

rep. by his natural guardian

and father Raja Khumaravel

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai.
3. The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai.
4. The Registrar,
Anna University,
Guindy, Chennai.
5. The Secretary ,
Tamil Nadu Engineering Admission,
Guindy, Chennai.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to allot/admit the petitioner in the vacant/lapsed seat in BE Engineering course viz. B.E.(Mech) in any one of the colleges viz., in the Guindy Engineering College or B.E.(Mech) in MIT, Chrompet, the constituent College of Anna University or B.E.(Mech) in PSG College of Technology, Coimbatore, affiliated to 4th respondent for the academic year 2017-2018, if necessary, by directing the 4th respondent to conduct second counselling for the lapsed seats in CEG or MIT Chrompet or PSG College of Technology, Coimbatore.

For Petitioner :: Mr.U. Karunakaran

For Respondents:: Mr.T.M. Pappiah,
Special Govt. Pleader
for R1 to R3
Mr.M. Vijayakumar
for R4 & R5

O R D E R

The petitioner's son got admission to Mechanical Engineering in Sri Venkateswara College of Engineering (Autonomous), Sriperumbudur Taluk, Kancheepuram District and joined the College as per the allotment made in the counselling held on 24.07.2017. After the counselling was over, the petitioner's son came to understand that many seats fell vacant as many of the allotted students joined Medicine in Anna University and in College of Engineering, Guindy alone, about 118 seats were vacant, apart from other vacancies in other affiliated Colleges of Anna University. Moreover, the petitioner has to pay heavy fees in the present College, being a Private College whereas the fees to be paid by him in Anna University or in affiliated Government Institutions would be very nominal. Therefore, the petitioner has approached this Court seeking allotment for his son to any of the lapsed seats in B.E (Mech) Course either in College of Engineering, Guindy, or MIT, Chromepet or PSG College of Technology, Coimbatore, for the academic year 2017-2018.

2. Heard Mr.U. Karunakaran, learned counsel for the petitioner, Mr.T.M. Pappiah, learned Special Government Pleader for respondents 1 to 3 and Mr.M. Vijayakumar, learned counsel for respondents 4 and 5.

3. As rightly pointed out by Mr.M. Vijayakumar, learned counsel for respondents 4 and 5, as per the judgment of the Honourable Apex Court rendered in Parshavanath Charitable Trust & Others V. All India Council for Technical Education & Others reported in CDJ 2012 SC 892, the last date upto which seats can be filled up in Engineering Colleges would be 15th August, of the relevant year and thereafter, there shall be no admission, whatever be the reason or ground. The relevant portion at paragraph No.44 of the said judgment is extracted hereunder:

"44. The admission to academic course should start, as proposed, by 1st August of the relevant year. The seats remaining vacant should again be duly notified and advertised. All seats should be filled positively by 15th August after which there shall be no admission, whatever be the reason or ground."

However, due to change in circumstance, during this year, on account of introduction of NEET, the 4th respondent University, moved the Honourable Apex Court, citing NEET as a reason and obtained extension of time upto 30.08.2017 for admission. Therefore, it is clear that the last date for admission for this year alone was 30.08.2017. When that is the position, if the petitioner's request is acceded to, it would amount to violating the Honourable Supreme Court's order for which this Court has got no power or jurisdiction. Hence, the prayer sought by the petitioner is not sustainable and the writ petition is dismissed. No costs.

4. However, it is made clear that, if any representation or application is given by the petitioner's son for transfer from Sri Venkateswara College of Engineering, Sriperumbudur, to any other College, the 4th respondent University is directed to consider the same as per law and pass appropriate orders. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nv
To

1. The Secretary,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
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3. The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai.
4. The Registrar,
Anna University,
Guindy, Chennai.

5. The Secretary ,
Tamil Nadu Engineering Admission,
Guindy, Chennai.

+1 cc to M/s.M.Vijayakumar Advocate sr 74487
+1 cc to Govt Pleader sr 74742

W.P. NO. 26878 of 2017

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