

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.18665 of 2017
& W.M.P.Nos.20200 and 20201 of 2017

Girubassree S.V.

Rep. by her next friend and Natural Guardian and
 Father Venkatesan

.. Petitioner

Vs.

1. The Director of Technical Education,
 Rep. by its Director, No.53, Sardar Patel Road,
 Guindy, Chennai 600 025.
2. All India Council of Technical Education,
 Rep. by its Secretary,
 Sastri Bhavan, 26, Haddows Road,
 Chennai 600 006.
3. Government of India,
 Ministry of Home Affairs,
 Rep. by its Director, North Block, New Delhi 110 001.
4. The Registrar,
 Anna University, Sardar Patel Road,
 Chennai 600 025.
5. The Secretary,
 Council for Tamil Nadu Engineering Admission
 B.E. & B.Tech Courses, Anna University Campus,
 Anna University, Chennai 600 025.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 4th and 5th respondents to consider the petitioner's daughter's candidature under the Ex-Servicemen Quota in the light of the Office Memorandum dated 23.11.2012 issued by the 3rd respondents for the admission to B.E. and B.Tech Degree Course for the year 2017 to be held on 24.07.2017 under the 4th and 5th respondents Institution.

For Petitioner : Mr.P.Tamilavel
 For R1 : Mr.A.Kumar, Spl.G.P.
 For R3 : Mr.A.Venkataswamy Babu, SPC
 For RR4 & 5 : Mr.K.Venkataramani, AAG
 assisted for Mr.M.Vijayakumar

ORDER

The writ petition is filed for issuance of mandamus directing the 4th and 5th respondents to consider the petitioner's daughter's candidature under the Ex-Servicemen Quota, in the light of the Office Memorandum dated 23.11.2012 issued by the 3rd respondent, for admission to B.E. and B.Tech Degree Course for the year 2017-18 under the 4th and 5th respondents Institution.

2. The case of the petitioner is as follows:

Her father is an Ex-Serviceman and he was working as Head Constable in No.870095991 in Border Security Forces between 8th April 1985 and 30th June 2008. She completed her +2 examination in the year 2017 and secured 1136 out of 1200 marks and applied for Tamil Nadu Engineering Admission 2017 for B.E./B.Tech Degree Course. The third respondent issued memo dated 23.11.2012 stating that the persons who worked in Central Armed Police Forces, Border Security Force, Central Reserve Police, Central Industrial Security Forces, Indo Tibetan Border Police and Sashastra Seema Bai can get the benefit of Ex-Servicemen Quota as the other Military men get such benefit. Therefore, the petitioner is entitled to get the benefit under Ex-Servicemen

Quota. The petitioner submitted application for admission in B.E./ B.Tech Degree Course by claiming under Ex-Servicemen Quota. However, the counselling letter was given to the petitioner to attend the counselling in the open category. The 4th and 5th respondents refused to accept the petitioner's candidature under Ex-Servicemen Quota. Hence, the present Writ Petition is filed for the relief stated supra.

3. Counter affidavit is filed by the Anna University, wherein it is stated that the petitioner is not eligible to claim Ex-Servicemen Quota, since her father had served in BSF and that the office memo cited by the petitioner is not applicable for Tamil Nadu category, as BSF is not coming under Ex-Servicemen Quota.

4. Heard Mr.P.Tamilavel, learned counsel appearing for the petitioner, Mr.K.Venkataramani, learned Additional Advocate General appearing for the respondent university and Mr.Venkataswamy Babu, SPC, appearing for the 3rd respondent-Government of India, Ministry of Home Affairs.

5. There is no dispute to the fact that the petitioner's father, viz., S.Venkatasen was serving as Head Constable in Border Security Force with effect from 8th April 1985 to 30th June 2008. A certificate dated 25.05.2017 to that effect is also issued by the Office of the Commandant, Border Security Force, Coimbatore. It is also not in dispute that while making application for admission on B.E./B.Tech Degree Course, the petitioner has specifically

claimed special reservation as the daughter of Ex-Serviceman. The respondent-Anna University is not considering the said claim of the petitioner by contending that the persons served under the Border Security Force will not fall under the Ex-Servicemen category.

6. The respondent-Anna University relied upon G.O.Ms.No.198, Higher Education (J1) Department, dated 30.05.2003 to state that though as per the said G.O. the children of Ex-Servicemen are entitled to 81 seats, the petitioner, being a daughter of the person worked in BSF will not fall under the category of "Children of Ex-Servicemen". On the other hand, the petitioner sought to rely upon the office memo dated 23.11.2012 issued by the Ministry of Home Affairs, Police Division-II, Government of India, wherein it is stated as follows:


 "No.27-11/100/2012-R&W"
 Government of India
 Ministry of Home Affairs
 Police Division-II
 (Resettlement and welfare Directorate)

23 Nov.2012
 North Block, New Delhi-01
 Dated the 23rd November, 2012

OFFICIAL MEMORANDUM

Designating the retired Central Armed Police Force (CAPF i.e. CRPF, BSF, CISF, ITBP and SSB) personnel as "Ex-Central

Armed Police Force Personnel)Ex-CAPF personnel.

There has a demand from various fora that the retired Central Armed Police Force (CAPF) personnel may be given the status of Ex-CAPF personnel. Accordingly a disposal was sent to the Government for their consideration. Cabinet Committee on security has approved the proposal of this Ministry to declare retired Central Armed Police Force personnel from Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bai (SSB) as "Ex-Central Armed Police Force Personnel" (Ex-CAPF Personnel).

2. Based on such designation, the State/UT Governments concerned may extend suitable benefits to them on the lines of the benefits extended by the State/UT Governments to the Ex-servicemen of Defence Forces.

Sd/-

(Dinesh Mahur)

Director (Personnel)

Ph:2309 2933"

7. The learned Senior Panel counsel appearing for the 3rd respondent submitted that when the said office memo specifically directed all the State / Union Territories to extend suitable benefits to the persons defined as Central Armed Police Force Personnel, which include Border Security Force, in the light of the benefit extended to the defence force, the respondent-Anna University is not justified in refusing to consider the petitioner under the above said category.

8. A careful perusal of the office memo, dated 23.11.2012 issued by the

Ministry of Home Affairs of Union of India, would show in clear and categorical terms, that the petitioner, who is the daughter of a person who served in BSF, is entitled to be considered under the Ex-Servicemen category, more particularly, when the G.O.Ms.No.198, Higher Education (J1) Department, dated 30.05.2003 relied upon by the Anna University does not define as to which categories of persons alone will fall under the Ex-Servicemen category. If a person served on the border of this Country is not entitled to be treated under the category of Ex-servicemen, it is nothing but an utter disrespect shown to such great service rendered by such person. The stand of the University on this aspect is very unfortunate, hypertechnical and cannot be appreciated even for the sake of argument. Therefore, I find every justification in allowing this writ petition.

9. Accordingly, the writ petition is allowed and the respondents 4 and 5 are directed to consider the petitioner's daughter's candidature under Ex-Servicemen Quota for admission to B.E. / B.Tech Degree Course for the academic year 2017-18 and also to allow the petitioner to take part in the counselling under the Ex-Servicemen category. No costs.

04.08.2017

Speaking/Non Speaking

Index : Yes/No

pvs

Note: Issue order copy today

To

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K.RAVICHANDRABAABU,J.

pvs



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