

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24467 OF 2017

ORDER:

The case of the petitioner is that she studied B.Tech "Bioinformatics" in Sathyabama University at Chennai and stood 3rd in the said department. While so, the 1st respondent through 2nd respondent issued a notification dated 01.04.2017 inviting applications for admission into M.Tech. Bioinformatics course through an All India Entrance Examination. As per the directions in the said notification the petitioner downloaded the entire information regarding M.Tech Bioinformatics, wherein the respondents scheduled the entrance examination for the M.Tech-Bioinformatics on 04.06.2017 at 2.00 P.M. and interview on 07.07.2017 & 08.07.2017, at 10 A.M. As per the said notification the candidates who qualified GATE may attend the interview basing on their GATE qualification, although they can also write the entrance exam to enhance their scores and that will be given weightage of 40/75 for the purpose of calling for interview. The petitioner attended the entrance exam with hall ticket No.11177016 and awaiting for the results. But, so far the respondents 1 & 2 neither released the result nor called the qualified candidates, who wrote the entrance exam, for interview as per their notification. At last, the petitioner approached the Vice Chancellor and submitted representation on 10.07.2017 asking him to give admission in the course even without fellowship. The grievance of the petitioner is that the

respondents by ignoring the qualified candidates who wrote the entrance exam, selected seven candidates out of the GATE qualified candidates and kept idle the remaining seats of 19, as GATE qualified students are not available. In fact as per the notification the GATE qualified students get only weightage. But the respondents violating its own notification, filled seven seats from out of the GATE qualified students only and kept aside the candidates who wrote the entrance exam, as per notification. Aggrieved by the action of the respondents in not filling the entire seats, present writ petition is filed.

The respondents 1 and 2 filed counter affidavit stating that the respondent university had invited applications from candidates for M.Tech. Bioinformatics vide notification dated 01.04.2017; and that the selection for admission to M.Tech. Bioinformatics was through interview for GATE qualified candidates and entrance exam to be conducted by the University for Non GATE candidates followed by the interview. It is also stated that at the time of release of the prospectus, M.Tech. Bioinformatics was not approved by the AICTE (the statutory body regulating all M.Tech. courses); that the University had been making continuous and sincere efforts to get AICTE approval for all its M.tech. courses as it helps in getting employment and fellowship; that the AICTE approval for various M.Tech. courses including Bioinformatics was received only on 25.04.2017; and that since the University as a matter of policy was offering seats in all AICTE approved M.Tech. courses

to candidates who had cleared GATE exam based on their GATE scores, in uniformity with all M.Tech courses, University decided to admit students in M.Tech. Bioinformatics on the basis of GATE scores only. The decision to invite applicants with GATE scores was taken by the Deans and HODs Committee in its meeting held on 20.06.2017 which was chaired by the Vice-Chancellor. Accordingly, University notified 15 General, 4 SC, 1 ST and 3 OBC candidates with GATE scores from the candidates who had applied for the course. It is also stated that admittedly after counseling the University has not been able to fill all seats in all the M.Tech. programmes and quite a few seats have been left vacant. In M.Tech Bioinformatics only six out of 25 seats were filled as on the last date of admission and the remaining seats have been left vacant for want of qualified candidates.

Heard learned counsel for the petitioner who submits that petitioner belongs to defence family and that as per clause-4 of the Prospectus, 5% seats are reserved for defence quota and petitioner also applied for the same. He further submits that the respondents could have considered the case of the petitioner at least under defence quota.

Learned Standing Counsel for respondents 1 and 2 submits that they have not filled up any seats under defence quota and that the said reservation has no application to the M.Tech course. He further submits that petitioner stood at

serial No.49 in the merit list; and that at any rate petitioner's claim cannot be considered, as more meritorious students stood before the petitioner, as such, there cannot be any direction to consider the case of the petitioner for admission under general quota, since more meritorious students are in queue before the petitioner.

A reading of clause-4 of the in the prospectus is as follows;

“4. Reservation of seats to the wards/dependents of Defence personnel:

Up to 5% of seats on the approved intake in each course are provided as supernumerary seats for the wards/dependents of Defence Personnel. The candidates should enclose a copy of the certificate issued by a competent authority in support of their claim without which their claim will not be considered. The candidates under this category should take the entrance examination for admission and fulfill all other requirements of admission.”

In view of the above clause, it is clear that 5% seats on the approved intake in each course are provided as supernumerary seats for the defence personnel. But, it is not known why the respondent University has not filled up the said seats. Even in the notification nowhere it is stated that only GATE qualified students are eligible for exam and interview. Basing on the communication from AICTE, the seats were left open for GATE qualified candidates. The University has not taken proper care while issuing the notification for admission into M.Tech. course. Though learned Standing Counsel submitted that petitioner's

case cannot be considered under General quota as more meritorious students are there before the petitioner, but, since there is no possible defence to the respondent university in not filling up the posts reserved for wards/dependants of defence personnel as per clause-4 of the prospectus and since the respondent University is at fault in not filling the seats under defence quota, the respondent University is directed to consider the case of the petitioner for admission into M.Tech Bioinformatics course under Clause 4 of the prospectus (defence quota), if petitioner fulfills the said criteria in the said clause. Though learned Standing Counsel states already I semester is over, the petitioner should not suffer for the mistake committed by the University.

The Writ Petition is allowed to the extent indicated above.
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

21.11.2017

Note: Issue CC in one week.

B/o. tk