

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.11591, 11713 and 11748 of 2018
and
W.M.P.Nos.13563, 13682 to 13684 of 2018,
13718 and 13719 of 2018

W.P.No.11591 of 2018:

P.Ponpandian ... Petitioner

-vs-

- 1.The Government of Tamil Nadu
rep.by the Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.
- 2.The Secretary,
Tamil Nadu Engineering Admissions,
Anna University, Chennai-600 025. ... Respondents

W.P.No.11713 of 2018:

C.V.M.P.Ezhilarasan ... Petitioner

-vs-

- 1.The Government of Tamil Nadu
rep.by the Principal Secretary to Government,
Higher Education (J2) Department,
Secretariat, Fort St.George, Chennai-600 009.
- 2.The Principal Secretary to Government,
School Education (GL1) Department,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai-600 009.
- 3.The Secretary,
Tamil Nadu Engineering Admissions,
Anna University, Chennai-600 025. ... Respondents

W.P.No.11748 of 2018:

N.Murali

... Petitioner

-vs-

1.The Government of Tamil Nadu
rep.by the Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.

2.The Secretary,
Tamil Nadu Engineering Admissions,
Anna University, Chennai-600 025. ... Respondents

W.P.No.11591 of 2018 filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to give the application for B.E.Admission for the year 2018 and for the subsequent years and conduct counselling both online and offline methods.

W.P.No.11713 of 2018 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for G.O.(2D)No.69 Higher Education (J2) Department dated 06.11.2017 and Letter No.5199/J2/2018 dated 15.03.2018 issued by the first respondent and the consequential notification issued by the third respondent calling for applications through Online for Tamil Nadu Engineering Admissions (TNEA) for 2018 and quash the same and consequently direct the respondents to invite applications, certificate verification and procedure for allotment through both Online and Offline methods for Tamil Nadu Engineering Admissions (TNEA) for the year 2018 and for the subsequent years and conduct counselling in person to the candidates who prefer to attend the counselling one to one.

W.P.No.11748 of 2018 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records in G.O.(2D)No.69 Higher Education (J2) Department dated 06.11.2017 on the file of the first respondent herein and the impugned notification for Tamil Nadu Engineering Admissions 2018 issued by the second respondent and quash the same and consequently direct the respondents to accept the application to be submitted by the students seeking Engineering Admissions-2018 by way of offline and also conduct counselling in offline method.

For Petitioner :: Mr.Silambanan, Sr.Counsel
in W.P.No.11591 for Mr.Hasan Mohammed Jinnah
of 2018

For Petitioner
in W.P.No.11713
of 2018

:: Mr.P.Wilson, Sr.Counsel
for Mr.A.Edwin Prabakar

For Petitioner
in W.P.No.11748
of 2018

:: Mr.S.Prabhakaran, Sr.Counsel
for Mr.K.Sathish

For Respondents

:: Mr.Manishankar,
Addl.Advocate General
assisted by
Mr.C.Munusamy, Spl.GP for
R1 in all W.Ps. and R2 in
W.P.No.11713 of 2018

Mr.P.H.Aravind Pandian,
Addl.Advocate General
assisted by

Mr.L.P.Shanmugasundaram,
Spl.GP for R2 in W.P.Nos.11591
and 11748 of 2018 and R3
in W.P.No.11713 of 2018

COMMON ORDER
(Made by HULUVADI G.RAMESH, J.)

In the Notification issued for the Tamil Nadu Engineering Admissions for the academic year 2018, applications have been required to be registered online alone and no more provision has been given for submitting written applications. Contending that till 2017 the applications for Tamil Nadu Engineering Admissions were received by way of filled up written forms and that by restricting the registration of applications for Tamil Nadu Engineering Admissions only through online, the students belonging to the downtrodden classes, especially in the rural areas who do not readily have access to computers and information technology, would be deprived of the opportunity to participate in the engineering admissions, the present writ petitions have been filed by way of Public Interest Litigation seeking directions to continue the method of submission of written applications also in addition to the online registration, leaving the choice to the applicants.

2.When this matter came up before this Court on 17.05.2018, it was argued on behalf of the petitioners herein that by restricting the registration of applications for Tamil Nadu Engineering Admissions only through online, the students belonging to the downtrodden classes, especially in the rural areas who do not readily have access to computers and

information technology, would be deprived of the opportunity to participate in the Engineering admissions despite possession of requisite qualifications.

3. After hearing the arguments advanced on either side, the Division Bench of this Court held that it is incumbent upon the concerned authority to ensure that the medium of requiring compliance like payment ought to be one that would be definitely available within the reach of the common man, as otherwise it would not have a level playing field and would result in negation of the valuable right of equal participation, though there is nothing unlawful to introduce other additional modes also with the advancement of digital technology. This Court also recorded the assurance given on behalf of the respondents herein that a trained personnel would be available for every computer system at the Tamil Nadu Engineering Admissions Facilitation Centres to assist the candidates to fill up the online application till successful registration, if all requirements are duly satisfied, and that there would be a supervisor at every Tamil Nadu Engineering Admissions Facilitation Centres to oversee and supervise the functioning and instantaneously resolving any difficulties that may arise at those Centres. This Court also recorded the submissions made on behalf of the respondents herein that the aforesaid creation of additional facilities, i.e., receipt of payment through demand draft, availability of trained staff for every computer system at the Centres and posting of a supervisor at every Centre, would be widely publicized through the media periodically during the stage of online registration, in addition to the prescribed regular methods of communication that have been hitherto followed, for the information of the general public and potential aspirants.

4. Thereafter, the matter was directed to be posted for further hearing on 08.06.2018 and a further direction was also given to file a report of compliance by then.

5. Today, when this matter was taken up, counter affidavit has been filed by the third respondent in which it is stated that in obedience of the order passed by this Court on 17.05.2018, additional demand draft payment module for payment of gateway was made available at the Tamil Nadu Engineering Admissions Facilitation Centres from 18.05.2018 onwards, in addition to existing online payment with Debit Card, Credit Card and Net Banking. It is also stated that besides posting one trained staff for every computer, one supervisor for every Centre have also been posted. It is further stated that a notification in this regard was published in the leading Dailies on 18.05.2018 itself through press and media and it was widely publicized in the Anna University website on the same day. Added further that, the process of online counselling in every stage,

registration of online application, original certificate verification, choice-filling and confirmation have also been widely published periodically for the benefit of the students and general public.

6. In view of the above compliance report, the issue involved in the present writ petitions is no more res integra, since the order passed on 17.05.2018 has been complied with by the authorities.

7. Mr. P. Wilson, learned senior counsel appearing for the petitioner in W.P.No.11713 of 2018 has submitted that counselling is scheduled to be held in the first week of July 2018 and that the counselling fees which has been fixed as Rs.5,000/- to be given the time of counselling, should also be directed to be received by way of demand draft instead of payment through on-line. In this connection, a direction is issued to the respondent-authorities not to insist for on-line payment for the applicants who want to make payment through demand draft, by accepting the demand drafts that would be submitted by them.

8. The writ petitions are disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

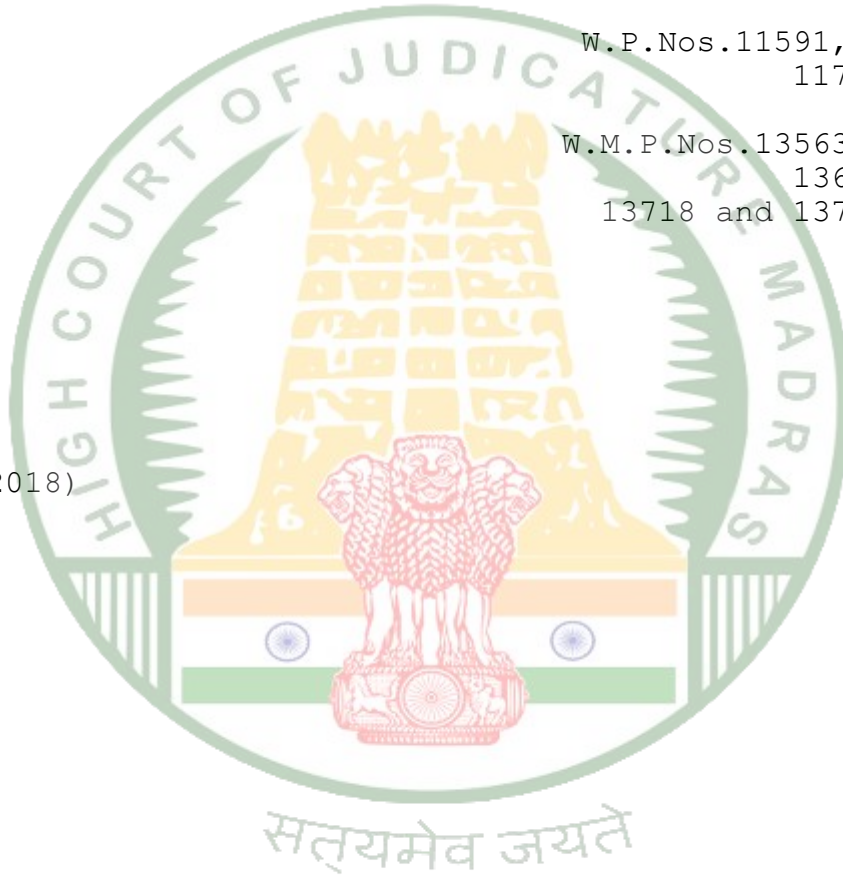
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4. The Principal Secretary to Government,
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Secretariat, Fort St.George, Chennai-600 009.

+1 CC to Govt. Pleader sr 41404.
+1 CC to Mr.K. Sathish, Advocate sr 40296.
+1 CC to Mr.A. Edwin Prabakar, Advocate sr 40297.
+1 CC to Mr.A. Damodaran, Advocate sr 40298.

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AK (CO)
SP(13/07/2018)



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