

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.09.2018

CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.23575 of 2018
and W.M.P.No.27529 of 2018

K.Tamilselvan

... Petitioner

Versus

1. Council of Architecture
Rep.by its Registrar,
India Habitat Centre,
Core 6A, 1st Floor,
Lodhi Road, New Delhi-110003.

2. Anna University,
Rep.by its Registrar,
Guindy, Chennai-600 025.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to admit the petitioner in the available vacancy in B.Arch course in anyone of approved colleges within the State of Tamil Nadu in terms of the Orders of the Hon'ble Apex Court in S.L.P (c)No.3964 of 2008.

For Petitioner : Mr. Doraisami, Senior counsel
for M/s.Kandhan Duraisami
For R1 : Mrs.S.Harinyi
For R2 : Mr.L.P.Shanmugasundaram

O R D E R

This writ petition is filed for issuing a direction to the respondents to admit the petitioner in the available vacancy in B.Arch course in anyone of the approved colleges within the State of Tamil Nadu.

2 The petitioner has completed his 12th standard in May 2018 and secured 972 marks in the public examination. The petitioner states that he wants to do B.Arch course. For pursuing Architecture course, aspiring students should complete higher secondary examination with minimum of 50% aggregate and they have to appear NATA conducted by the Council of Architecture or TANATA conducted by the Anna University and qualified in the same. It is admitted that the Anna University conducted TANATA in August 2018. The petitioner himself has admitted that he is not qualified either in NATA or TANATA.

3 The learned senior counsel appearing for the petitioner has submitted that the Bombay High Court granted relief to similarly placed students, who did not qualify NATA. It is submitted that the Bombay High Court in a writ petition has quashed the requirement of passing NATA as a condition precedent to get admission into B.Arch (Architecture) course. It is further stated by the learned senior counsel for the petitioner that the Hon'ble Supreme Court has given interim protection to the candidates by dispensing with their appearance in NATA 2018 conducted by the Council of Architecture. The learned senior counsel for the petitioner has produced the order passed by the Hon'ble Supreme Court, which reads as follows:

"Accordingly, we modify interim order dated 29th February, 2008, to this extent that C.B.S.E., any state Govt. much less the Government of Maharashtra or any other institution may conduct competitive test for admission in Bachelor of Architecture and the students may be admitted on the basis of the result of such tests and the courses may commence thereafter. It will not be necessary for the students to pass NATA for which the Council of Architecture is insisting. However, this order will be subject to the result of the special leave petition."

4 It is further stated that the Registrar of the Hon'ble Supreme Court has confirmed the nature of the order passed by the Hon'ble Supreme Court. From the order passed by the Hon'ble Supreme Court, it is evident that it is open to C.B.S.C. or State Governments or any other institutions to conduct competitive test for admission in B.Arch and that the students can be admitted on the basis of the result of such tests. It will not be necessary for those students, who are selected by other competitive exam conducted by any State or University to pass NATA. From the order passed by the Hon'ble Supreme Court, NATA may not be insisted only for students who have passed any other equivalent qualifying test.

5 The learned counsel appearing for the first respondent states that as per the guidelines for admission of candidates to first year of

five year B.Arch degree course, passing an Aptitude test for Architecture NATA is mandatory. Further, it is stated that the Council of Architecture has given guidelines to the effect that the students can be admitted only on the basis of the marks obtained in the National Aptitude Test in Architecture (NATA). It is precisely stated that the admission of candidates shall be subject to their passing an Aptitude test in Architecture. Hence, in the absence of NATA, the candidate should be qualified

in any other equivalent Aptitude test in Architecture prescribed by State or University. Hence, the submission of the learned senior counsel for the petitioner that admission can be given to the petitioner, cannot be accepted.

6 However, the learned senior counsel for the petitioner submitted that the case of the petitioner may be considered subject to the condition that his qualification being recognized by the Council of Architecture. Since, it is admitted by the petitioner that he has not qualified either in NATA or in TANATA, the direction of the Hon'ble Supreme Court relied upon by the learned senior counsel will not have any assistance for the petitioner to get admission.

7 Hence, this Court is of the view that there is no merit in this case and the writ petition is therefore dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Registrar,
Council of Architecture
India Habitat Centre,
Core 6A, 1st Floor,
Lodhi Road, New Delhi-110003.

2.The Registrar,
Anna University,
Guindy, Chennai-600 025.

+lcc to Mr.S.Harinyi, Advocate, S.R.No.63335
+lcc to Mr.Muthumani Doraisami, Advocate, S.R.No.63522
+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.64220

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PVS (CO)
rrs 10/10/2018