

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.24224 of 2018
and W.M.P.No.28230 of 2018

V.Sasikumar

... Petitioner

Versus

- 1.The Council of Architecture,
Rep. by its Registrar,
India Habitat Centre, Core 6A, First 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 any one of approved colleges within the State of Tamil Nadu in terms of the order of the Hon'ble Apex Court in S.L.P.(c) No.3964 of 2008.

For Petitioner : Mr. Kandhan Duraisami

For Respondents : Ms. Harinyi (for R1)

: Mr.M.Vijayakumar (for R2)

O R D E R

The petitioner has filed this petition for issuing a direction to the respondents to admit the petitioner in the available vacancy in B.Arch course in any one of approved colleges within the State of Tamil Nadu in terms of the order of the Hon'ble Apex Court in S.L.P.(c) No.3964 of 2008.

2. This Court has dismissed a similar Writ Petition in W.P.No.23575 of 2018, dated 12.09.2018. In the said W.P.No.23575 of 2018, this Court had referred to the above order of the Supreme Court and the relevant portion of the said order of this Court is extracted below for convenience:-

"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."

3. In view of the above order of this Court, there are no merits in this Writ Petition also. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mpa/pvs

To

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

WEB COPY

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

+1cc to M/S.Muthumani Doraisami, Advocate Sr.64379
+1cc to M/S.M.Vijayakumar, Advocate Sr.64122
+1cc to M/S.S.Harinyi, Advocate Sr.63922

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