

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.19336 of 2018

and

W.M.P.No.22731 of 2018

Excel Engineering College,
Represented by its Executive Officer,
NH-544, Salem Main Road,
Pallakapalayam,
Sankari West Post,
Komarapalayam Taluk,
Namakkal District - 636 303. Petitioner

Vs

1.Directorate of Technical Education,
Rep. By its Commissioner,
Guindy,
Chennai - 600 025.

2.Tamil Nadu Engineering Admissions - 2018,
Rep. By its Secretary,
Guindy, Chennai - 600 025.

.... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus for directing the respondents to consider the representation of the petitioner dated 23.07.2018 for inclusion of three Additional Course namely B.E.(Bio Medical Engineering), B.E.(Agricultural Engineering), and B.Tech.(Food Technology) in the Single Window Counseling for the academic year 2018-2019 in the light of the extension of time by one month granted by the Hon'ble Supreme Court of India in Miscellaneous Application No.1751 of 2018 in C.A.No.9048 of 2012.

For Petitioner	: Mr.Kandhan Duraisami.
For R1	: Mr.P.H.Aravind Pandian, Additional Advocate General, assisted by Mr.K.Karthikeyan, Government Advocate.
For R2	: Mr.M.Vijayakumar Standing Counsel

O R D E R

This petition has been filed by the petitioner for directing the respondents to consider the representation of the petitioner dated 23.07.2018 for inclusion of three Additional Course namely B.E.(Bio Medical Engineering), B.E.(Agricultural Engineering), and B.Tech.(Food Technology) in the Single Window Counseling for the academic year 2018-2019 in the light of the extension of time by one month granted by the Hon'ble Supreme Court of India in Miscellaneous Application No.1751 of 2018 in C.A.No.9048 of 2012.

2. Heard the submission made by Mr.Kandhan Duraisami, learned counsel appearing for the petitioner, Mr.P.H.Aravind Pandian, learned Additional Advocate General appearing for the 1st respondent and Mr.M.Vijayakumar, learned standing counsel appearing for the 2nd respondent.

3. The facts of the case is that the petitioner applied to AICTE and got approval for three new Under Graduate Courses namely B.E. (Bio-Medical Engineering), B.E. (Agricultural Engineering), and B.Tech. (Food Technology) with intake of 60 seats each. The petitioner also has obtained affiliation from the Anna University for the newly approved Courses. On 23.07.2018, the petitioner made an application before the respondents requesting the authorities to include three new additional courses in the Single Window Counseling. However, due to some practical difficulties, the request could not be accepted, even though, the petitioner is fully eligible for admitting students in the new courses for the academic year 2018-19. With this practical difficulty, the petitioner has preferred the above writ petition.

4. The learned Additional Advocate General earlier submitted before this Court that the respondent has no objection for the petitioner's college to fill up the seats for the academic year 2018-2019 by including the seats allotted for Government Quota. Based on the submission, this Court has also in another writ petition filed by another institution in W.P.No.2295 of 2018 allowed the writ petition. The learned Additional Advocate General appearing before this Court stated that in view of the undertaking granted earlier before this Court, he is not seriously objecting the approval. But he expressed difficulty on account of this stand taken by the respondent at counter affidavit and the additional counter affidavit filed before this Court in the above writ petition.

5. In the counter affidavit filed in the main writ petition, the first respondent herein has categorically stated that the last date for submission was intimated as 18.05.2018 to

enable all the Engineering colleges to provide the details regarding the surrender of their Management Quota seats besides their Government specified surrender allocation seats to TNEA 2018-2019. It is also stated that time was not extended beyond 28.05.2018.

6. It is further stated that preparation of seat matrix and allotment is a involves complicated mathematical calculation and that for the purpose of distributing the seats according to the reservation norms and other purpose, a team of senior faculty was constituted comprising 8 members. They were assigned duty related to the preparation of the college wise, branch wise, seat Matrix for first year B.E/B.Tech Degree courses under Government Quota in Government, Government Aided and Self Financing Engineering Colleges in Tamil Nadu. It is further stated that the seat matrix so prepared in full shape was handed over to the Secretary, Tamil Nadu Engineering Admission (TNEA) 2018-2019 and the work was completed on 25.06.2018. Since online counseling solely depends on a software, it is stated by the Additional Advocate General that it is impossible to conduct counseling for the new courses. In view of the problems, learned Advocate General has no serious objection for permitting the petitioner to fill up all the seats. This Court, taking into consideration the facts that the admission to the institution has been extended at the request of State up to 31.08.2018 and other circumstances this Court is of the view that it will be in the interest of justice to permit the petitioner to fill all the additional seats.

7. The petitioner is permitted to admit students even in respect of the seats allotted to Government Quota by following a process which is applicable to fill up the management quota. Since the petitioner is now seeking permission to fill up the Quota Reserved for the State Government, the petitioner is directed to collect only the fees that is prescribed for the students admitted on Government Quota. Having regard to the facts narrated, this Court pass this order only in the interest of public and this cannot be cited as a precedent under any circumstances.

8. This writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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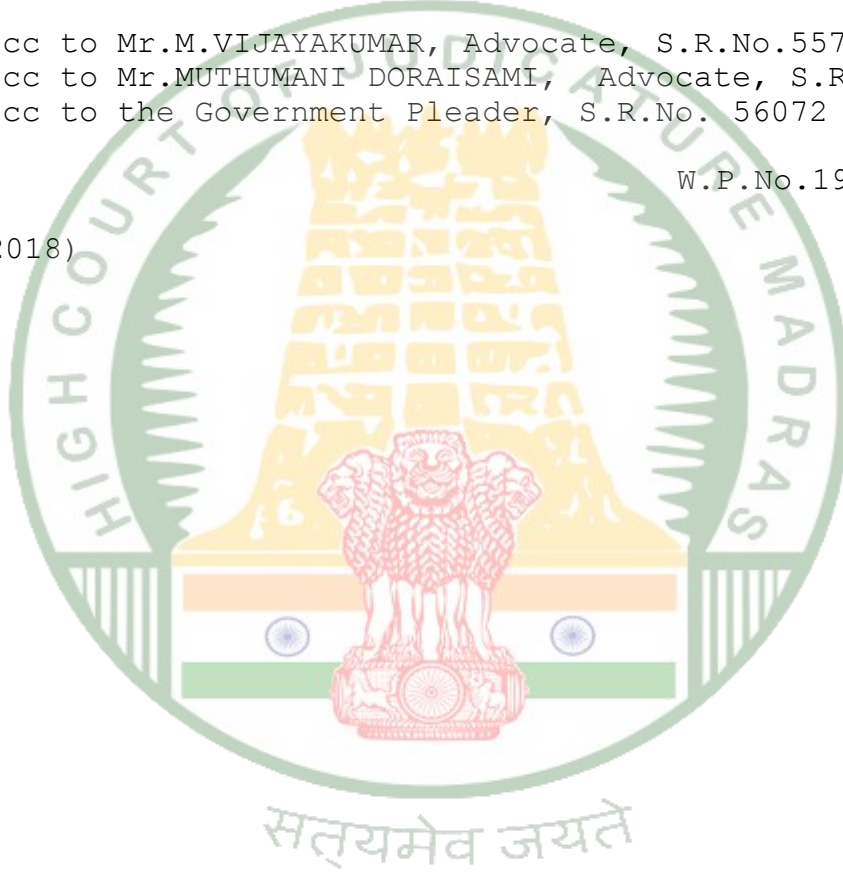
To

1. The Commissioner,
Directorate of Technical Education,
Guindy,
Chennai - 600 025.
2. The Secretary,
TamilNadu Engineering Admissions - 2018,
Guindy, Chennai - 600 025.

+lcc to Mr.M.VIJAYAKUMAR, Advocate, S.R.No.55776
+lcc to Mr.MUTHUMANI DORAISAMI, Advocate, S.R.No. 55857
+lcc to the Government Pleader, S.R.No. 56072

W.P.No.19336 of 2018

TR(14/08/2018)



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