

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19723 of 2018
and
W.M.P.No.23169 of 2018

Dandage Rohini

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St.George, Chennai-600 009.
2. The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai-600 006.
3. Bharathi Women's College (Autonomous),
Rep. by the Principal/Dean,
No.1, Prakasam Salai,
Broadway, George Town,
Chennai-600 108.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to grant admission to the petitioner for the 1st year Post Graduate M.Sc. (Zoology) course for the academic year 2018-2019.

For petitioner : Mr.Perumbulavil Radhakrishnan

For respondents: Mrs.V.Annalakshmi,
Govt. Advocate for RR-1 and 2

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to grant admission to the petitioner for the 1st year Post Graduate M.Sc. (Zoology) course for the academic year 2018-2019.

2. The case of the petitioner is that she has finished her

B.Sc. (Botany, Zoology, Chemistry BZC) at Government Degree College for Women, Begumpet, Hyderabad, which is affiliated to Osmania University during the academic year 2012-2015. She had also done B.Ed. at the Government Institute of Advanced Studies in Education, Masab Tank, Hyderabad during the academic year 2015-2017. The petitioner is a resident of Hyderabad and married to one S.Srinivasu, who is a resident of Chennai. The petitioner wanted to pursue higher education in the field of Zoology and she had applied to the third respondent-College for admission to M.Sc. (Zoology) course conducted by the College. The petitioner's candidature was not considered. It is further stated that the petitioner attended for counselling and produced necessary certificates. The Eligibility Certificate was directed to be produced by the College, since she migrated from another University. The said Eligibility Certificate was also duly produced. The third respondent-College further directed the petitioner to produce Nativity Certificate, which according to the petitioner is not required. Since the petitioner was not given admission to the third respondent-College, the petitioner has filed the above Writ Petition for the relief stated supra.

3. Learned counsel for the petitioner submitted that there are several seats vacant and that the case of the petitioner may be considered in any other category, even though she belongs to SC community.

4. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the counselling for Post Graduate admission in all science subjects was held on 23.07.2018 and that the petitioner has also applied for the same. The petitioner/student studied her Under Graduate course at Hyderabad in Osmania University. While scrutinising her Certificates, it was found that she belonged to Andhra Pradesh and belonged to SC community from that State. When the other State candidates appear for admission/counselling in Tamil Nadu, they will be considered under OC category. The cut-off mark for M.Sc. (Zoology) is 71.05% and the petitioner secured 61%, which falls below the OC cut-off mark.

5. In reply, learned counsel for the petitioner submitted that as the seats are vacant, the case of the petitioner may be considered and she may be allotted a seat.

6. Heard both sides and perused the materials available on record.

7. It is stated that the petitioner belonged to SC community and the Community Certificate was produced from Andhra Pradesh State. The Community Certificate obtained from Andhra Pradesh will not hold waters in the State of Tamil Nadu and she can be considered only in the OC quota. Unfortunately, even though the seats are vacant, the mark scored by the petitioner is below the cut-off mark under OC quota. Even if the petitioner's candidature is going to be considered in the OC category, she falls below the cut-off mark for OC category, as she has secured

only 61%. Merely because the seats are vacant, it does not mean that the candidate has got to be accommodated. If the vacancy position is the criteria for accommodation of a student in a particular course, then it will be setting wrong principle and the students who have scored lesser marks, will knock at the doors of the Courts on the ground that the seats are vacant in a particular College in a particular course and that the students are to be accommodated.

8. Hence, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

TO

1. The Secretary to Government,
Education Department,
Fort St.George, Chennai-600 009.
2. The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai-600 006.

+lcc to Government Pleader SR.No.54083

KS(CO)
GN(27/08/2018)

W.P.No.19723 of 2018

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