

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2019
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.12513 of 2010
and
M.P.No.2 of 2010

Thiagarajar College of Engineering,
Tiruparankundram,
Madurai - 625 015,
Rep.by T.Kannan,
Chairman and Correspondent.

... Petitioner

Vs

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner,
Department of Technical Education,
Chennai - 25.

... Respondents

(R2 impleaded as per the order
of this Court dated 22.06.2010)

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to G.O.Ms.407, Higher Education (J1) Department dated 02.07.2004, passed by the respondent and the communication of 2nd respondent in No.47961/ECA-1/2009 dated 12.05.2010 and quash the same and consequently direct the 1st Respondent to permit the Petitioner to fill up the 35% of the seats in the Self-financing courses of the Petitioner's Institution.

For Petitioner : Mr.T.R.Rajaraman
For Respondents : M/s.P.Raja, GA

ORDER

Challenging the Government Order in G.O.Ms.No.407 Higher Education (J1) Department, Dated 02.07.2004, passed by the first respondent and the communication dated 12.05.2010 bearing No.47961/ECA-1/2009, issued by the second respondent, the

petitioner has come up with this writ petition. A consequential direction has also been sought by the petitioner to the respondents to permit them to fill up 35% of the seats in the self-financing courses.

2.By the impugned order dated 02.07.2004 passed by the first respondent, the Government apportioned seats between the Government and Management, fixing the ratio of 80% to Government and 20% to Management in respect of self-financing courses. Pursuant to the same, the second respondent, by the impugned communication dated 12.05.2010, requested the Principals of all Government Aided Engineering Colleges to furnish the details of surrender of seats under Management Quota for admission to first year BE/B.Tech/B.Arch, so as to include the same along with Government quota seats for allotment through Single Window Counselling. Aggrieved over the same, the petitioner is before this Court.

3.On 22.06.2010, when the matter was taken up for hearing, after considering the various factors, particularly, following the earlier order passed in WP.No.12499/2005 etc. batch, this Court, as an interim measure, passed an interim order, directing the respondents to follow the ratio that 70% of the seats in the respective courses are to be filled up under the Government Quota and 30% under the management quota has to be filled up by the petitioner Management. The said order is in force till date.

4.Today, when the matter was taken up for consideration, the learned Government Advocate appearing for the respondents drew the attention of this Court to para 11 of the counter affidavit filed by the respondents, wherein, it is stated as follows:

"11....

It is submitted that the Government is taking steps to notify the percentage of Government seats in self supporting courses in Aided Engineering colleges under Section 2(c)(ii) of the Tamil Nadu Admissions in Professional Educational Institutions Act, 2006 (Act No.3 of 2007). Once it is notified, apportionment of seats will come to effect and until then, based on interim direction, 70:30 apportionment of seats will be followed in respect of petitioner's college."

5.In view of the averments so made in the counter affidavit filed by the respondents, no further order needs to be passed in this writ petition. Hence, recording the same, this Writ Petition stands closed. No Costs. Consequently, connected

Miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jas/rk

To

1.The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

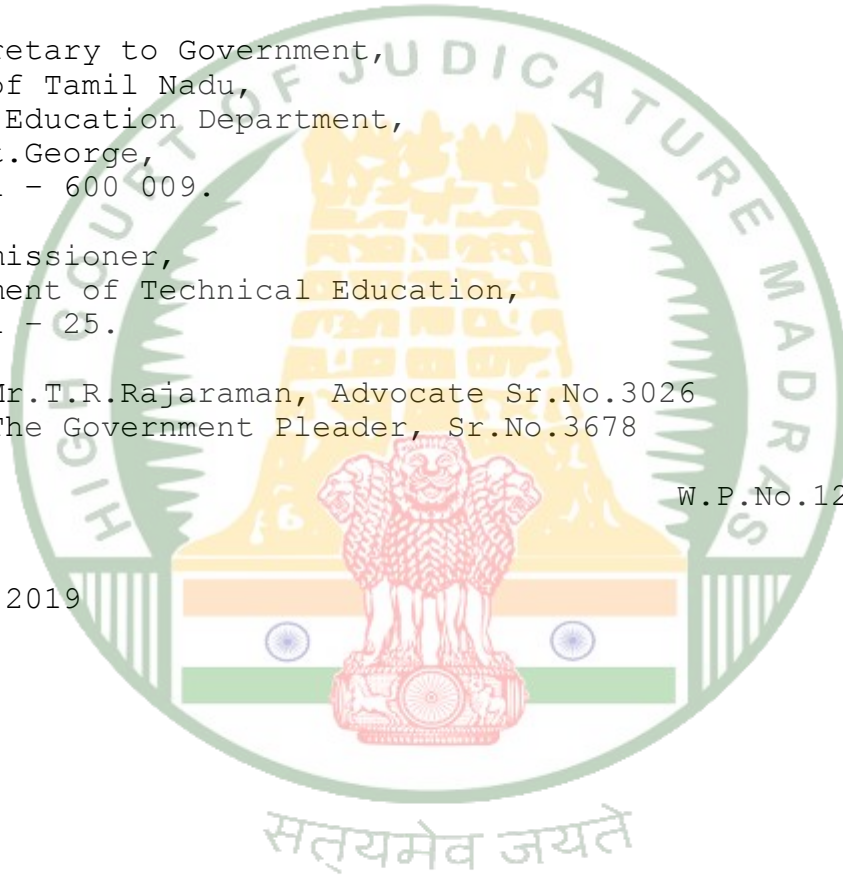
2.The Commissioner,
Department of Technical Education,
Chennai - 25.

+1 cc to Mr.T.R.Rajaraman, Advocate Sr.No.3026

+1 cc to The Government Pleader, Sr.No.3678

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PP(CO)
CSL/25.03.2019



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