

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 21.08.2019

DATED : 29.08.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 2415 of 2019

And

C.M.P.No. 15874 of 2019

A.Saranya

...Appellant/Petitioner

Vs.

1. The Registrar
Pondicherry University
R.Venkataraman Nagar,
Kalapet, Puducherry.

2. Maloth Venunath
C/o. Registrar
Pondicherry University
Puducherry.

3. Gugulothu Shankar
C/o. Registrar
Pondicherry University
Puducherry.

4. Nunsavatu Naik
C/o. Registrar
Pondicherry University
Puducherry.

...Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the Order passed by the learned Single Judge in W.P.No. 20637 of 2019 dated 15.07.2019 is against law, facts and devoid of merits and so is liable to be quashed.

Prayer in W.P.No. 20637 of 2019:- To Call for the records of the 1st respondent with Code No.106 dated Nil and to quash the same in respect of the selection of respondents 2 to 4 under the Scheduled Tribe category and consequently to direct the 1st respondent to admit the petitioner for the Ph.D.programme in

Computer Science and Engineering under the Scheduled Tribe Category of Puducherry.

For Appellant : Mr. V. Ajayakumar

For 1st Respondent: Ms. A.V. Bharathi

J U D G M E N T
(Delivered by C.V.KARTHIKEYAN, J)

The Writ Appeal has been filed by A.Saranya, aggrieved by the Order dated 15.07.2019 by the learned Single Judge in W.P.No. 20637 of 2019, disposing her Writ Petition with a direction to the first respondent, namely, Registrar, Pondicherry University, to pass orders on the representation given by her on 27.06.2019 on or before 05.08.2019.

2. The appellant herein had filed the Writ Petition in the nature of certiorarified Mandamus to call for the records of the first respondent, Registrar, Pondicherry University and to quash the selection of the second to fourth respondents under the Scheduled Tribe category and direct admission of the appellant for the Ph.D programme in Computer Science and Engineering in Pondicherry University.

3. The learned Single Judge had taken up for disposal the main Writ Petition itself at the admission stage. As aforesaid, a direction was issued to the first respondent, Registrar, Pondicherry University, to consider the representation given by the appellant on 27.06.2019 and pass appropriate orders on or before 05.08.2019.

4. Heard arguments advanced by Mr. V. Ajayakumar, learned counsel for the writ appellant and Ms. A.V. Bharathi, learned counsel for the first respondent, Registrar, Pondicherry University.

5. The appellant herein had passed M.Tech. Degree in Network and Internet Engineering from Pondicherry University. She belonged to "Irular" Community which has been recognised as a Scheduled Tribe in the Union Territory of Puducherry. She claimed benefit of reservation meant for Scheduled Tribes in the Union Territory of Puducherry for pursuing her further studies in Ph.D programme. She had applied to enroll for such Doctorate study in Computer Science and Engineering in Pondicherry University. It is her claim that there were 14 seats available; 9 seats in Puducherry and 5 seats in Karaikal. She claimed that candidates belonging to the Scheduled Tribes Community were entitled to 7.5% reservation. The second, third and fourth respondents in the Writ Petition and in the Writ Appeal before us were the selected candidates.

6. It is the grievance of the appellant that all the said three respondents belongs to other states and questioning their selection on the ground that they were not natives of the Union Territory of Puducherry, the Writ Petition had been filed.

7. It is the contention of the learned counsel for the appellant that the prospectus for Ph.D admission for the year 2019-2020 of the Pondicherry University provided reservation in Ph.D programme in Affiliated Institutions for regional candidates. In this connection, the learned counsel pointed out that the prospectus for the year 2019-2020 for Ph.D programme in Computer Science and Engineering provided for in take of 9 candidates for Puducherry and 5 candidates for Karaikal. Claiming that the appellant had been denied admission though she was entitled for the same on the basis of the reservation provided by the Government of India, learned counsel stressed that the selection process of the second to fourth respondents should be quashed and the appellant herein should be granted an opportunity to pursue higher studies in Doctorate in Computer Science and Engineering.

8. Per contra, Ms.A.V.Bharathi, learned counsel for the first respondent stated that there is reservation in Ph.D programme only at Affiliated Institutions of Pondicherry University and not for Pondicherry University. Pondicherry University has a branch in Karaikkal and nine seats were available in Pondicherry and five seats were available in Karaikkal. The learned counsel stated that the appellant had misunderstood the provisions regarding reservation which is not restricted to natives of Union Territory of Puducherry. The learned counsel stated that the Appeal does not merit any consideration by this Court.

9. We have carefully considered the arguments advanced.

10. The prospectus of Pondicherry University relating to reservation in Ph.D programme and that of Affiliated Institutions indicate that such reservation shall be made to the extent mentioned in the part relating to "Ph.D admission requirements". It is seen that reservation for Scheduled Tribes candidates who are alone residents of Union Territory of Puducherry is not provided for admission to Pondicherry University which is a Central University. Candidates from across the country apply for the courses offered by Pondicherry University in the University campus at Pondicherry and at Karaikkal. Reservation based on nativity is not provided for eligibility for selection for the courses at Pondicherry University either in its campus at Puducherry or in its branch campus at Karaikkal. Reservation on the basis of nativity is

extended only to candidate who apply for courses in Affiliated Institutions of Pondicherry University. Consequently, we find no force in the arguments advanced by the learned counsel for the appellant seeking reservation on the basis of being a native of Union Territory of Puducherry.

11. It is also seen that before the learned Single Judge, the learned counsel had stated that a representation had been given on 27.06.2019 which the learned Single Judge had directed to be disposed of in accordance with law on or before 05.08.2019. Neither the learned counsel for the appellant nor the learned counsel for the University have enlightened this Court on the fate of that representation or on the orders passed thereon. It must also be pointed out that the appellant had not chosen to question and challenge the stipulations for admission to courses in Pondicherry University as provided in the prospectus. We have also not been called upon to examine the vires of the said stipulations.

12. The learned counsel for the appellant relied on (1990) 3 SCC 130 [Marri Chandra Shekar Rao Vs. Dean, Geth G.S., Medical College and Others], wherein it had been held that a person, who is recognised as a member of ST/SC in his original State will be entitled to all the benefits under the Constitution in that State alone and not in all parts of the country wherever he migrates.

13. In the present case, the facts are clearly distinguishable. There is no specific reservation provided for natives of Union Territory of Puducherry in Pondicherry University.

14. It is also seen that the appellant herein had secured a total of 50% marks in the over all merit list for Ph.D Programme in Computer Science and Engineering. The second respondent Maloth Venunath had secured 147 marks. The third respondent Gugulothu Shankar had secured 117 marks. The fourth respondent Nunsavatu Naik had secured 90 marks. They have all secured more marks than the appellant herein. They also belong to Scheduled Tribe Community. In fact there is another candidate Avula Ramesh, who had also secured more marks than the appellant herein. She had secured 71 marks. Consequently, the appellant cannot claim admission on the ground that she belongs to Schedule Tribe community as the selected candidates also belong to Scheduled Tribe community. The only other aspect stressed by the learned counsel for the appellant is that she is a the native of Puducherry a fact which has to be ascertained by the concerned authorities and this Court cannot be called upon to return a finding of fact on that issue.

15. The learned counsel for the appellant also relied on (1994) 5 SCC 244 [Action Committee on issue of Caste Certificate to Scheduled Casters and Scheduled Tribes in the State of Maharashtra and another Vs. Union of India and another] again for the ratio that a person belonging to SC/ST in relation to his original State of which he is permanent or ordinary resident cannot be deemed to be so in relation to any other State on his migration to that State for the purpose of employment, education etc. Here again, since there is no provision of reservation for natives of Union Territory of Puducherry in Pondicherry University, we are afraid that this Judgement would not come to the rescue of the appellant herein.

16. The learned counsel also relied on (2018) 10 SCC 312 [Bir Singh Vs. Delhi Jal Board and Others] again for the premise that a person belonging to Scheduled Caste/Scheduled Tribe in a particular State cannot claim the same status in another State. As pointed out earlier, there is no specific reservation for natives of Union Territory at Puducherry in Pondicherry University and the appellant herein not having challenged that in the prospectus cannot call upon this Court to give an interpretation of the intent behind the stipulations mentioned in the prospectus. The prospectus has to be read in plain and simple language. When so examined, it is seen that reservation is provided for natives of Union Territory of Puducherry only in Affiliated Institutions of Pondicherry University and not in Pondicherry University which has its campus at Puducherry and a branch campus at Karaikkal.

17. For the reasons stated above, we are not inclined to accede to the contentions of the learned counsel for the appellant and accordingly, we dismiss the Writ Appeal. No order as to costs. Connected Miscellaneous Petition is closed.

vsg

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

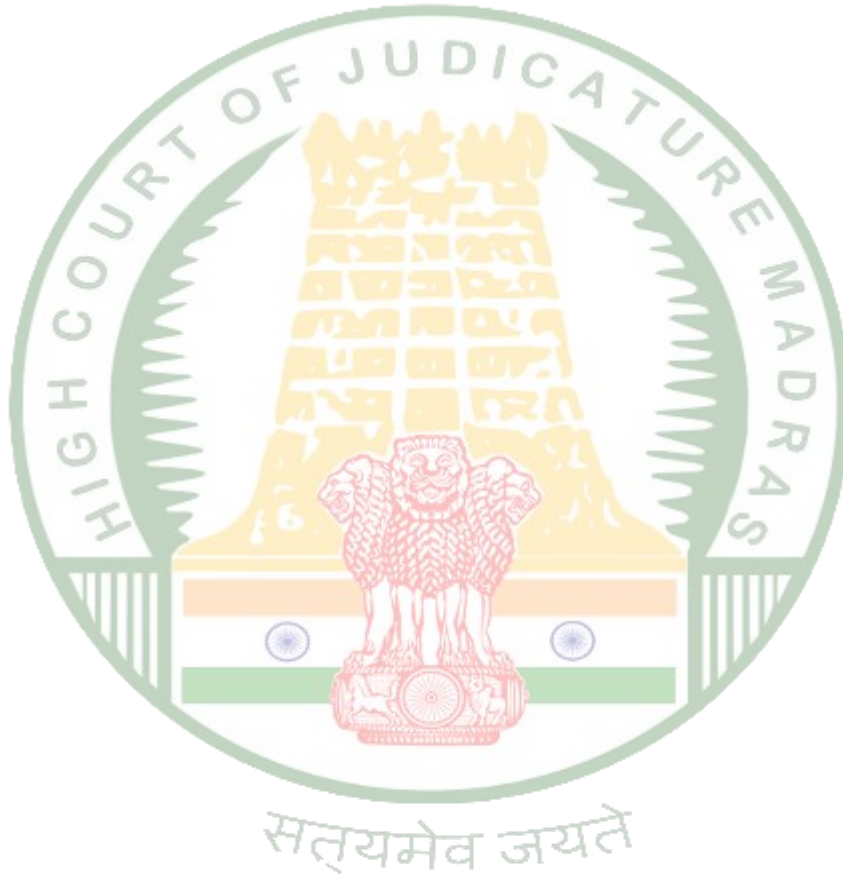
To

1. The Registrar
Pondicherry University
R.Venkataraman Nagar,
Kalapet, Puducherry.

+1cc to Mr.V.Ajayakumar, Advocate, SR.No.74345
+1cc to Mr.A.V.Bharathi, Advocate, SR.No.74211

W.A.No. 2415 of 2019
And
C.M.P.No. 15874 of 2019

Kak(03.10.2019)



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