

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.12021 of 2020
and
WMP Nos.14758 & 14759 of 2020

M.Anuvarshini

..Petitioner

.Vs.

1. University Grants Commission (UGC)
Rep.by Secretary,
Bahadur Shah Zafar Marg, New Delhi-110 002.
2. Central Board of Secondary Education (CBSC),
Rep.by Secretary,
Shiksha Kendra-2,
Community Centre, Preet Vihar,
Delhi-110 092.
3. State of Tamil Nadu,
School Education Q2 Department,
Rep. By Secretary,
17, College Road, Thousand Lights,
Subba Road Avenue,
Nungambakkam,
Chennai 600 008.
4. Tamil Nadu Agriculture University,
Rep.by Vice Chancellors,
R1 Block, Lawley Road,
P.N.Pudut, Tamil Nadu 641003.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to include the option of "Physics, Chemistry, Biology, Knowledge Tradition and Practice" in application and thereby permit the petitioner to resubmit her application for the course B.Sc., Agriculture (Horns).

For Petitioner	:	Mr.S.Rajesh	
For Respondents	:	Mr.Vijay Mehanath	for R 4
		Standing Counsel	

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 4th respondent to include the subject "Knowledge Tradition and Practice" as one of the options along with Physics, Chemistry and Biology in order to enable the petitioner to submit her application for the course B.Sc., Agriculture.

2. The case of the petitioner is that she successfully completed Senior Secondary Examination in the year 2020 conducted by the 2nd respondent and wanted to join B.Sc., Agriculture. The petitioner had selected Group-II while she underwent the Senior Secondary Course which had English, Physics, Chemistry, Biology and the selective subject "Knowledge Tradition and Practices of India". The petitioner also secured good marks and cleared her Senior Secondary School Examination. When the petitioner attempted to submit her Online application, she found that out of the various options that were provided to apply for the course, there was no option which provided for including "Knowledge Tradition and Practices of India" as one of the selective subject. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel for the petitioner submitted that the Brochure that was issued by the 4th respondent shows that the Group-II that is covered, only had various other subjects and there was no option with the selective subject "Knowledge Tradition and Practices of India". The learned counsel for the petitioner further submitted that the 4th respondent from time to time has made various amendments to the electives in the information Brochure. In order to substantiate the said submission, the learned counsel for the petitioner brought to the notice of this Court the Brochure that was given in the year 2014-2015 and also the Brochure that was given during the year 2016-2017. By drawing the attention of this Court to all these Brochures, the learned counsel for the petitioner submitted that the 4th respondent had changed the elective subject by including all those new subjects which have been brought into the curriculum at a later point of time. However, the 4th respondent has not included "Knowledge Tradition and Practices of India" as one of the elective subject in the Brochure that was issued for the academic year 2020-2021. Therefore, the petitioner was not able to apply for the course.

4. The learned counsel for the petitioner further submitted that the 4th respondent by not including the elective subject of "Knowledge Tradition and Practice" in the Brochure, has virtually prevented the petitioner to apply for the course even though the petitioner was fully eligible to join the course and she had also secured very high marks in the Senior

Secondary School Examination. Therefore, the learned counsel for the petitioner submitted that the 4th respondent should be directed to include "Knowledge Tradition and Practice" as one of the elective subject along with Physics, Chemistry and Biology.

5. Mr. Vijay Mehanath, learned Standing Counsel appearing on behalf of the 4th respondent submitted that the relief sought for by the petitioner is unsustainable in law. The learned Standing Counsel submitted that inclusion of subjects for the purpose of determining the qualification to participate in the selection to the course of B.Sc., Agriculture, is well within the domain of the 4th respondent and the 4th respondent cannot be directed to include or remove any subject. The learned Standing Counsel submitted that the petitioner without any legal right has approached this Court and is seeking for a relief which is unsustainable in law. The learned Standing Counsel in order to substantiate his submissions, relied upon the judgment of this Court in Mehala Koneru (Minor) through her Natural Guardian Swapna Koneru .v. Tamil Nadu Agricultural University represented by its Registrar, Coimbatore and Others reported in 2017 SCC OnLine Mad 7352. The relevant portions in the judgment is extracted hereunder:

15. On the other hand, a three-Judge Bench of the Hon'ble Supreme Court in Dolly Chhanda v. Chairman, JEE reported in (2005) 9 SCC 779 has spelt out the following principle in paragraph - 7:

".....

7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission Brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or mark sheets. Similarly, in order to avail of the benefit of reservation or weightage, etc, necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case,

there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature."

(Emphasis is mine)

16. We are therefore of the view that there is no merit in this Writ Appeal. But however, we do not wish to through cold water on the aspirations of young students. The leading Universities in the World are allowing students from varying or divergent academic backgrounds to pursue courses of study which might appear to be diversified subjects. The emphasis supplied is now more on acquisition of knowledge and competence of skill during study of the course itself rather than earlier thereto. Since there are several seats still available in B.Tech (Horticulture) course and if the

University considers it possible to allow the Writ Petitioner to slide from B.Tech (Agricultural Information Technology) course to that of B.Tech (Horticulture) course without much difficulty for the student, they may consider and pass appropriate orders on any such requests of sliding. May be the excessive interest laying in the mind of an young person may result in far brighter light to emerge in later years of time. It is, therefore, for the respondent University to take all these factors into account and pass appropriate orders within 30 days from the date of receipt of a copy of this order.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The main issue that has to be decided in the present writ petition is as to whether this Court can issue a direction to the 4th respondent to include "Knowledge Tradition and Practice" as one of the elective subject in the Brochure and thereby enable the petitioner to apply for admission to the course of B.Sc., Agriculture ?

8. The selection of subjects for determining the eligibility of a candidate, is within the domain of an expert body. The expert body knows what subjects will have to be taken into consideration and what subjects need not be added in the

Brochure, depending upon the requirement for a particular course. It is not for this Court to sit in a judgment over such decisions taken by expert bodies. The judgment relied upon by the learned Standing Counsel appearing on behalf of the 4th respondent makes it very clear that these are matters which are within the realm of an University and this Court cannot give any such positive directions. It is true that the petitioner would have got high marks in the Senior Secondary Examination and probably she was also under the impression that the elective subject undergone by her in Group-II will also be added as one of the options in the Brochure supplied by the 4th respondent. However, a mere expectation of the petitioner will not give the petitioner any legal right to compel the 4th respondent to add any subject as an elective subject for the purpose of determining the eligibility of a candidate to join B.Sc., Agriculture.

9. In the considered view of this Court, this Court exercising its jurisdiction under Article 226 of the Constitution of India should not trench upon areas which are governed by experts in a particular field and this Court cannot substitute its views by issuing directions to academic bodies to add or include any subjects for the purpose of selection to a particular course. That is completely not within the domain of this Court. Therefore, this Court is not in a position to accede to the request made by the petitioner.

10. In the result, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

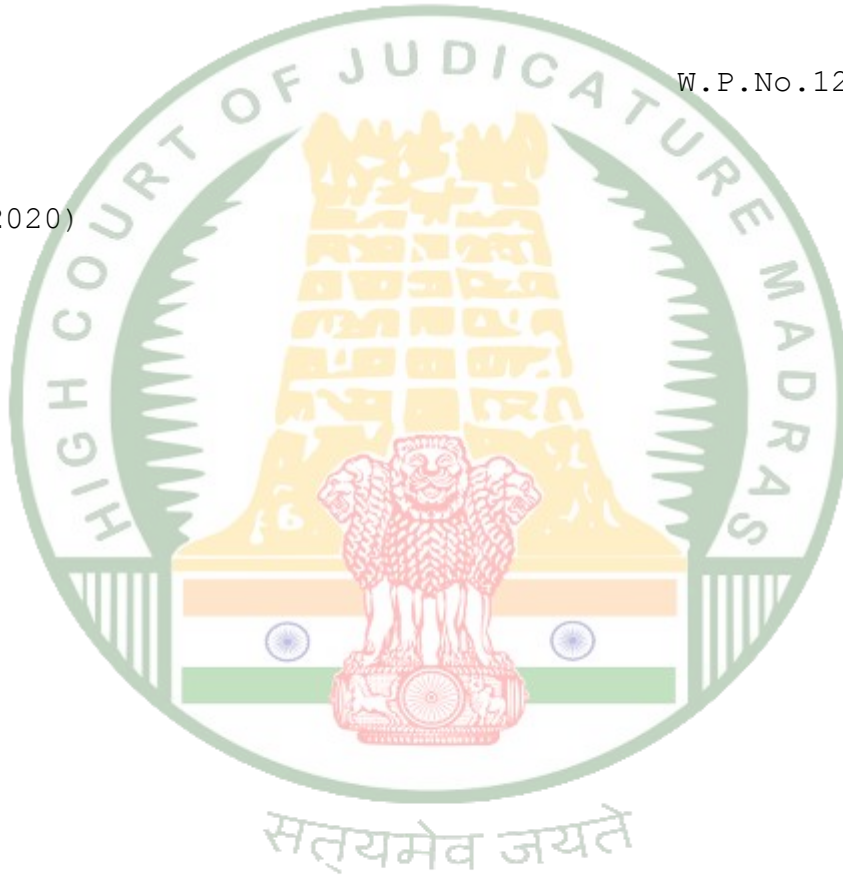
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17, College Road, Thousand Lights,
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4. The Vice Chancellors
Tamil Nadu Agriculture University,
R1 Block, Lawley Road,
P.N.Pudut, Tamil Nadu 641003.

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AK(CO)
RV(09/10/2020)



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