

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WP No.12319 of 2020

Arshath Nabeel Ahmed.

..Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary,
Department of Agriculture,
Secretariat, Fort st. George,
Chennai.
2. The Registrar,
Tamil Nadu Agricultural University,
R1 Block, Tamil Nadu Agricultural University,
Lawley Road, P.N.Pudur,
Tamil Nadu 641 003.

..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to directing the second respondent to accept the petitioner's application for admission into the B.Sc (Hons) Agriculture Program, 2020-21.

For Petitioner : Mr.M.K.Viswanath

For Respondent : Mr.Akil Akbar for R1

Mr.Abdul saleem for R2

सत्यमेव जयते
ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to accept the application submitted by the petitioner to participate for admission in the course of B.Sc (Hons) Agriculture for the academic year 2020-2021.

2. The grievance of the petitioner is that the petitioner has passed the CBSE 10 + 2 examination after having chosen Physics, Chemistry, Biology and Psychology as the subjects. The grievance of the petitioner is that the eligible subjects of study in the qualifying examination as prescribed in the advertisement inviting applications for B.Sc (Hons) Agriculture

does not provide for Psychology as one of the elective subjects. The further grievance of the petitioner is that there are several other subjects which have been added as an elective subjects in the brochure and therefore, there is no reason for the 2nd respondent not to have added psychology as one of the elective subject. As a result of the same, the petitioner is not in a position to submit the application to participate in the selection to the course of B.Sc (Hons) Agriculture.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.Akhil Akbar, learned counsel for 1st respondent and Mr.Abdul Saleem, learned counsel for 2nd respondent.

4. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in WP No.12021 of 2020 dated 04.09.2020. The relevant portions of the order is extracted hereunder :-

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.

5. In view of the above order, the relief sought for by the petitioner cannot be granted by this Court and the relevant subjects that have been prescribed by the 2nd respondent for the purpose of participating in the selection for admission to the course of B.Sc (Hons) Agriculture is a decision taken by an expert body and this Court cannot sit on judgment upon it and give its views regarding the same. Accordingly this writ petition is dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rka
To

1. The Secretary to
The State of Tamil Nadu,
Department of Agriculture,
Secretariat, Fort St. George,
Chennai.

2. The Registrar,
Tamil Nadu Agricultural University,
R1 Block, Tamil Nadu Agricultural University,
Lawley Road, P.N.Pudur,
Tamil Nadu 641 003.

+1 CC to Mr.M.K.Viswanath, Advocate sr 29528.
+1 CC to Govt. Pleader sr 29631.

WP No.12319 of 2020

GJ(CO)
SP(22/10/2020)