

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13442 of 2020

and

WMP.No.16598 of 2020

Dr.P.Tamilarasi, M.Sc., M.Phil, Ph.D.,
Chairperson,
Sri Sai Ranganathan Engineering College,
REC Kalvi Nagar,
Viraliyur Post,
Thondamuthur (Via),
Coimbatore 641 109.Petitioner

Vs.

- 1.The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai 600 009.
- 2.The Director of Technical Education,
Sardar Vallabai Patel Road,
Guindy, Chennai 600 025.Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 and 2 that (a) the ratio of 65:35 earmarked by the Government for allocation of seats between the counselling quota and management quota shall be scrupulously followed by the Director of Technical Education. (b) No additional or excess seats shall be obtained from any College either in the Urban Area or in the Rural Areas over and above the 65% quota, against any faculty, for the single window counselling and pass orders.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mr.E.Manoharan
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the respondents to earmark the ratio of 65:35 for allocation of seats between State quota and Management quota and for a further direction not to fill-up the seats under the State quota over and above 65% from any college.

2.The case of the petitioner is that the Government of Tamil Nadu has regulated the number of seats to be allocated by each college and through negotiation it is being fixed every year and even this year, it has been fixed in the ratio of 65:35 for filling up the various engineering courses in different colleges across Tamil Nadu. The grievance of the petitioner is that the Government is making the self-financing colleges to surrender more seats in favour of the Government and thereby excess seats are filled under the State quota and as a result of the same, the colleges that are situated in the rural areas are unable to secure even the minimum number of students to run their colleges.

3.The second respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

"6.It is further submitted that the proceedings of the committee to regulate-monitor the admissions of students to professional courses by Self Financing Professional, Arts and Science Colleges (Proceedings No.COA/Engineering/032/2020) dated on 30.07.2020, it is stated that the consortium and the member of institutions consensually agreed to part with 65% of their respective available seats in the B.E/B.Tech/B.Arch courses of study in the case of non-minority institutions as the case may be, to the State Government to be filled up by it and the remaining 35% or 50% as the case may be, is to be filled based on the merit list of the respective consortium (or) Associations.

7.It is submitted that either Government of Tamil Nadu or Directorate of Technical Education (DoTE) never emphasized to surrender the seats from self financing engineering colleges other than the consensually agreed seats for 65% for non-minority self -financing engineering colleges. If the Self financing colleges voluntarily surrender some seats of their management quota seats to DoTE for single window admission into B.E/B.Tech/B.Arch for the benefits of students' community, the option is available to them and after having, willingly availed the same, the DoTE considers those seats for single window counselling under fees prescribed by the Fees Committee for Government quota.

8.Again, it is humbly reiterated that the surrender of such seats, beyond the consented percentage, left entirely to the discretion of the

receptive Management. Once the students are admitted through single window admission, to such surrendered seats, their fee structure also completely revert from Management quota to Government quota, which catch the attention of the under privileged/economically weaker students' in B.E/ B.tech/ B.Arch admissions.

9.It is submitted that the Petitioner Institution started functioning from 2007 onwards and very much familiar with process of surrendering the seats to single window online counselling. There are 461 Institutions who have given the statement of surrender of seats. Out of 461 Institutes, 276 colleges have given 27,466. No Institute has been directed to surrender any additional seats for academic year 2020-21. No Institute has been directed to surrender any additional seats beyond the consented percentage and as on date it is seen that no Institute has requested to return than additional surrender of seats which had already been surrendered by them."

4.When the matter came up for admission, the learned special Government Pleader appearing on behalf of the respondents submitted that the ratio of 65:35 will be maintained and no college will be forced to surrender the seats. The learned counsel further submitted that only in cases where the self-financing college itself comes forward to surrender the seats, the same is filled under the State quota. The learned counsel submitted that this is done normally as an agreement between the parties and no law governs the same. Recording the said submission, the matter was posted for final hearing today.

5.On carefully going through the counter filed by the second respondent, it is seen that a specific stand has been taken to the effect that the Government or the Directorate of Technical Education (DoTE) do not force any college to surrender the seats from the management quota and the agreed ratio of 65:35 will be maintained. This ratio is fixed at 50:50 insofar as the minority self-financing engineering colleges are concerned. It is further stated that if the self-financing colleges by themselves voluntarily surrender some seats, which option is available to them, only in such cases the Department of Technical Education considers those seats under the State quota.

6.The learned counsel for the petitioner submitted that the ratio of 65:35 or 50:50 as the case may be, should be strictly adhered and no college must be permitted to surrender more than the agreed quota. The learned counsel emphasised this strict

adherence to the ratio since according to the petitioner such surrender of excess seats under the State quota ultimately results in the rural colleges not being able to fill-up the seats.

7.This Court is not able to agree with the submissions made by the learned counsel for the petitioner. The petitioner College has been given the assurance that the ratio of 65:35 will be maintained and the Government will not put any pressure to surrender any seats under the State Quota. Insofar as the surrender of seats by the other self-financing colleges are concerned, it is strictly left to their discretion. There is no law that prohibits such a surrender and it is only an agreement between the parties which governs the field. The earlier Division Bench judgment of this Court in W.A.Nos.876 to 878 of 2007 reported in 2007 6 MLJ 1 also makes this position very clear. Therefore, the petitioner cannot plead on behalf of the other colleges and stop them from surrendering their seats beyond the ratio.

8.Taking into consideration the specific stand taken by the respondents and the assurance given that the ratio will be maintained insofar as the petitioner college is concerned, no further orders can be passed by this Court in this writ petition.

9.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai 600 009.
2. The Director of Technical Education,
Sardar Vallabai Patel Road,
Guindy, Chennai 600 025.
3. The Government Pleader,
High Court, Madras.

+lcc to Mr.S.M.Ravichandran, Advocate, S.R.No.33729
+lcc to the Government Pleader, S.R.No.33876

W.P.No.13442 of 2020

GJ(CO)
RV(19/11/2020)



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