

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2020

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP.No.15807 of 2020

and WMP No.19648 of 2020

V.Shanjay Khanna

.. Petitioner

Vs

1.The Regional Officer & Assistance Director,  
The AICTE Southern Regional Office, Chennai  
Shastri Bhawan,  
No.26, Nungambakkam,  
Haddows Road, Chennai - 600 006.

2.The Commissioner,  
Directorate of Technical Education,  
53, Sardar Patel Road,  
Baktavatsalam Nagar,  
Guindy, Chennai - 600 025.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2<sup>nd</sup> respondent to follow the eligibility norms prescribed by the AICTE as per Approval process Hand Book 2020-21 and include the petitioner in the rank list in Tamil Nadu Engineering Admission 2020-21 having Application Number 343238 and Random number 909166197 and permit the petitioner to participate in the counselling process in Tamil Nadu Engineering Admission 2020-21 conducted by the 2<sup>nd</sup> respondent.

For Petitioner : Mr.C.P.Palanichamy

For Respondents : Mr.E.Manoharan  
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of mandamus directing the 2<sup>nd</sup> respondent to follow the eligibility norms prescribed by the AICTE as per the approval process Hand Book 2020-21 and include the name of the petitioner in the rank list and permit the petitioner to participate in the counselling process conducted by the 2<sup>nd</sup> respondent.

his 12<sup>th</sup> Standard examination under CBSE syllabus with Mathematics and Physics as main subjects and Chemistry and Computer Science as optional subjects. The further case of the petitioner is that he has fulfilled the required eligibility criteria as provided in the Hand Book issued by the AICTE and therefore he must be permitted to participate in the counselling conducted by the 2<sup>nd</sup> respondent for selecting candidates for the various Engineering courses.

3. Heard Mr.C.P.Palanichamy, learned counsel for the petitioner and Mr. E Manoharan, learned Special Government Pleader appearing on behalf of the 2<sup>nd</sup> respondent.

4. The Tamil Nadu Admission in Engineering Institutions Rules 2007, prescribes the rules to be followed for admission to the professional courses. This rule makes it very clear that Mathematics, Physics and Chemistry will be treated as main subjects. It is seen from the communication made by the 2<sup>nd</sup> respondent to the petitioner that the reason for the ineligibility of the petitioner to participate in the counselling was because of the fact that the petitioner had failed in a subject. A careful perusal of the 12<sup>th</sup> Standard marksheet of the petitioner shows that the petitioner had secured only 33 marks in Chemistry and the same is graded as 'E'. While referring to the grading system in CBSE, 'E' denotes failed candidates. This would mean that the petitioner had failed in the Chemistry paper in his 12<sup>th</sup> Standard examination.

5. The learned counsel for the petitioner would submit that the very same mark statement clearly shows that the petitioner has been declared as passed in the 12<sup>th</sup> Standard examination. The learned counsel submitted that the 2<sup>nd</sup> respondent is bound by the approval process Hand Book of AICTE, which specifically provides that all those candidates who had secured 40% marks in all the subjects put together are eligible to be considered for admission to UG course. According to the petitioner, he satisfies this minimum qualification since he belongs to the reserved category.

6. Per contra, the learned Special Government Pleader submitted that although AICTE prescribes eligibility norms, for the last 12 years the eligibility criteria for admission to Engineering and Technology has been fixed as pass in 10+2 examination with Mathematics, Physics and Chemistry as compulsory subjects. The learned counsel further submitted that the 2<sup>nd</sup> respondent cannot prescribe any qualification below the one prescribed by AICTE. However, it is always open to the 2<sup>nd</sup> respondent to fix a higher standard for selection.

In order to substantiate his submissions, the learned counsel relied upon the Judgments of the Hon'ble Supreme Court in **State of T.N and another vs. S.V. Bratheep and others** reported in (2004) 4 SCC 513 and **Vishveswaraiah Technological University vs. Krishnendu Halder and others**, reported in (2011) 4 SCC 606.

7. In the considered view of this court, as per the grading system adopted by the CBSE, the petitioner has actually failed in the Chemistry paper. This would mean that the petitioner has failed in one of the compulsory subjects that is taken into consideration and fixed as an eligibility criteria as per the above said rules. That apart, all the four rounds of general counselling have already been completed and the students have also joined in the respective institutions. The petitioner will have to necessarily rewrite the Chemistry paper and secure a pass even for the purpose of fulfilling the minimum eligibility criteria to participate in the selection for the Engineering course.

8. In view of the above discussion, this court does not find any ground to grant the relief as sought for by the petitioner and accordingly, this Writ Petition stands dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

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To

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+1 C.C. to MS.AL.GANDHIMATHI, Advocate SR.NO.36845

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