

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16113 of 2020

&

W.M.P.No.20083 of 2020

Minor Trishali

Rep by Father and Gurdian B.Dharmaraj
Friends Nagar Near PMP Arts College
Thadangam Village Thokkampatti Post
Dharmapuri Taluk and District. ... Petitioner

Vs

- 1 The State of Tamilnadu
Rep by secretary to Government Agriculture
Department Fort St.George Chennai- 600 009.
- 2 The Dean
(Admissions) Tamil Nadu Agricultural
University Lawely Road P.N.Pudur
Coimbatore- 641 003.
- 3 The Director
Central Board of Secondary Education (CBSE)
Shiksha Sadan No.17 Rouse Avenue New Delhi... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to permit the petitioner to participate in the counselling to the course of B.sc. Agriculture (Hons) for the academic Year 2020- 2021 based on the application made by the Petitioner in Registration No. 1119528000.

For petitioner : Mr.C.Prabhakaran
For Respondents 1 &2 : Mr.Abdul Saleem
For R3 : Mr.G.Nagarajan

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to permit the petitioner to participate in the counselling to the course of B.sc. Agriculture (Hons) for the academic year 2020-2021.

2. The case of the petitioner is that she completed her 12th standard by securing 469 marks out of 500. It will be relevant to extract the marks secured by the petitioner in each subject which is relevant for the purpose of this case.

S.No	Subject	Marks Obtained	Maximum marks
1	Physics	91	100
2	Biology	100	100
3	Chemistry	95	100
4	Informatics PRAC (New)	95	100

The petitioner submitted an application through online to participate in the selection to B.sc. Agriculture (Hons) course. The application was also accepted by the 2nd respondent and a register number was also assigned to the petitioner.

3. The 2nd respondent University published the rank list and the petitioner did not find her name in the rank list and she found that candidates who had secured lesser marks have been added in the rank list. The petitioner was not able to find any reasons for not adding her name in the rank list and hence the present writ petition has been filed before this Court seeking for appropriate directions.

4. The learned standing counsel appearing on behalf of the 2nd respondent University submitted that online application that was given by the 2nd respondent provides for the eligibility of the candidates to participate in the selection to the course of B.sc. Agriculture (Hons). The learned standing counsel specifically relied upon Clause II of brochure which specifically provides for eligible subjects of study in the qualifying examination. The learned counsel submitted that the petitioner falls under the second limb and she had fulfilled the requirements of the main subject viz., Physics, Chemistry and Biology and when it came to the elective subject, the petitioner did not fulfill the requirement. The learned counsel further submitted that the petitioner in her application had indicated as if she has selected Computer Science as the elective subject and when the same was scrutinized at a later point of time, the University came to know that the petitioner did not undergo Computer Science as an elective subject and the petitioner had only undergone a course called Informatics PRAC (New). Learned counsel therefore submitted that the petitioner had filled up the application and made a false declaration as if she underwent Computer Science as the elective subject. The learned counsel therefore submitted that the petitioner was not considered for selection and her name was not included in the rank list.

5. In reply to the submission, the learned counsel for the petitioner submitted that the petitioner is a meritorious candidate and the marks secured by her in the 12th standard speaks for itself. The learned counsel further submitted that Informatics PRAC (New) is a subject which is equivalent to Computer Science and since the petitioner did not find an appropriate column in the application to fill up the marks obtained by her in this subject, the petitioner had filled up the application by indicating Computer science as the relevant subject. Learned Counsel submitted that the petitioner never intended to mislead the 2nd respondent University and if the 2nd respondent University had sought for any clarification, the petitioner would have clarified the same and the 2nd respondent University went wrong in not considering the candidature of the petitioner.

6. Mr.Nagarajan, learned standing counsel appearing on behalf of the CBSE submitted that he has very specific instructions from the 3rd respondent to the effect that the subject Informatics PRAC (New) is equivalent to Computer Science. The learned counsel submitted that the CBSE has given a different name for the subject and whatever syllabus is covered under this subject, is equivalent to the Computer Science subject. The learned standing counsel also brought to the notice of this Court the fact that in some of the institutions, this subject is also called as multimedia and web technology.

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

8. There are absolutely no dispute with regard to the facts in the present case. The petitioner had selected Informatics PRAC(New) as the elective subject in her 12th standard and the brochure issued by the 2nd respondent University does not cover this subject and the elective subject mentioned in the brochure are Bio-Technology, Microbiology, Bio-Chemistry, Computer Science and Home Science. The only issue that begs the interference of this Court is as to whether the subject Informatics PRAC (New) should be considered to be equivalent to the subject Computer Science.

9. The stand of the 3rd respondent becomes very relevant for the purpose of deciding the issue involved in this writ petition. The specific stand taken by the 3rd respondent is that Informatics PRAC(New) is a subject which covers the entire syllabus that is meant for the subject Computer Science. In other words, it is categorically stated that Informatics PRAC (New) is equivalent to Computer Science.

10. The petitioner was not able to specifically state in the application with regard to the elective subject since there was no provision in the online application to mention about the subject Informatics PRAC (New) and therefore the petitioner had unilaterally filled up the marks against the subject Computer Science. Considering the high marks scored by the petitioner, there was no requirement for the petitioner to mislead the University and give a false impression as if she completed Computer Science as one of the elective subject. It would have been more proper on the part of the 2nd respondent University if they had taken some efforts to ascertain as to whether the Informatics PRAC (New) is a subject which is equivalent to Computer Science. These are certain practical difficulties that are faced by the candidates when submitting online applications since the candidate will have to necessarily stick to the particulars provided in the application and they do not have the chance of adding anything new or explaining themselves.

11. In the considered view of this Court, a meritorious candidate like the petitioner should not be deprived of participation merely on a technical plea and more particularly since the 3rd respondent has confirmed that the subject Informatics PRAC (New) is equivalent to the subject Computer Science. The 2nd respondent University has to necessarily consider the candidature of the petitioner and allow the petitioner to participate in the selection by treating the Informatics PRAC(New) subject as equivalent to the subject Computer Science.

12. In view of the above discussion, this Court has absolutely no hesitation in allowing this writ petition and consequently there shall be a direction to the 2nd respondent to assign the appropriate rank to the petitioner based on the marks secured by her in the Senior School Certificate Examination, 2020 and add her in the rank list and permit the petitioner to participate in the counselling to the course of B.sc. Agriculture (Hons) for the academic year 2020-2021. It is made clear that this order cannot be taken as a precedent in any other case and the order confines itself to the peculiar facts of the present case. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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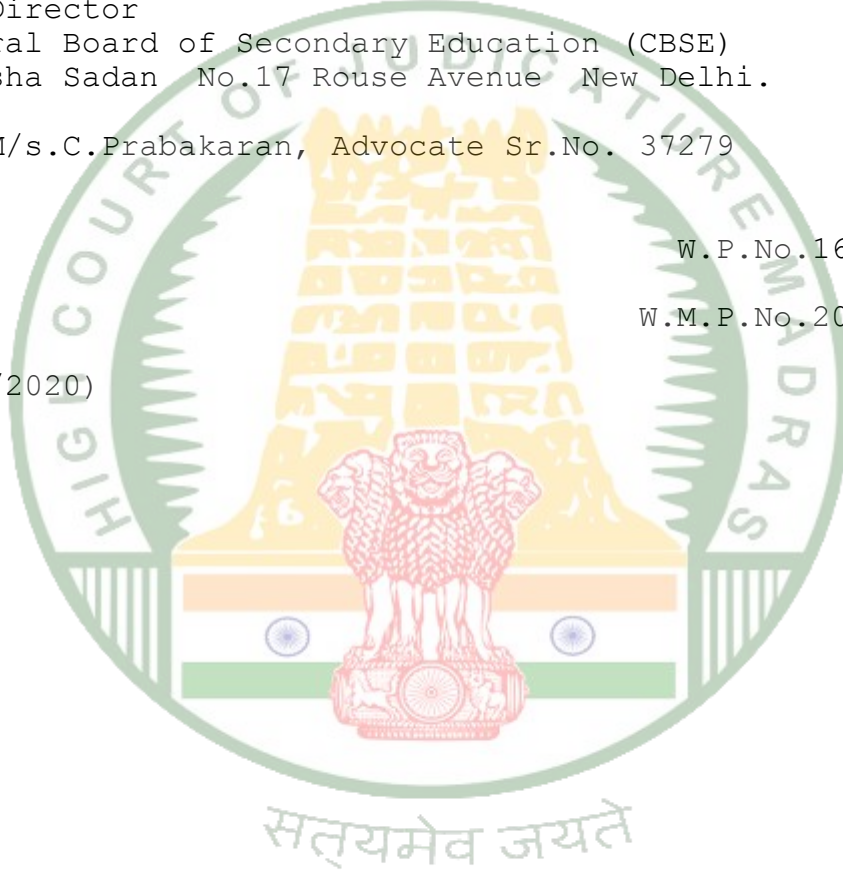
Sub Assistant Registrar

To

- 1 The Secretary to Government
State of Tamilnadu Government Agriculture
Department Fort St.George Chennai- 600 009.
 - 2 The Dean
(Admissions) Tamil Nadu Agricultural
University Lawely Road P.N.Pudur
Coimbatore- 641 003.
 - 3 The Director
Central Board of Secondary Education (CBSE)
Shiksha Sadan No.17 Rouse Avenue New Delhi.
- +1 cc to M/s.C.Prabakaran, Advocate Sr.No. 37279

PA (CO)
RMP (15/12/2020)

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