

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16225 of 2020

A.S.Vaishnavi

...Petitioner

Vs.

The Dean (Agri. Business Consortium)
Chairman - Admission
Tamil Nadu Agricultural University
Agricultural College and Research Institute
Coimbatore - 641 003.

...Respondent

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of respondent comprised in Dean (Agri.)/UG Adms.20 / W. P. No. ... / 2020 dated 27.10.2020 quash the same as arbitrary, illegal, unconstitutional and consequently, direct the respondent to issue an application to the petitioner for seeking admission under the management quota in affiliated colleges of the respondent in B.Sc (Hons.) Agricultural course for the academic year 2020 - 2021.

For Petitioner : Mr.M.Thiyagarajan
For Respondent : Mr.Abdul Saleem
standing counsel

ORDER

This Writ Petition has been filed challenging the rejection letter issued by the respondent dated 27.10.2020 and for a consequential direction to the respondent to permit the petitioner to participate in the selection to the course of B.Sc., Agricultural (Hons.)

2. When the matter was taken up for hearing today, the learned standing counsel appearing on behalf of the respondent University circulated the written instructions received from the University. The relevant portions in the written instructions is extracted hereunder:-

"At this juncture opening of the portal for filing fresh application will make untold hardship to the University due to the following reasons.

- The online software is designed in such a way to work in sequential process starting from registration, filing application, scrutinizing application and giving approval, generation of rank list, conduct of counseling and giving provisional admit orders to the candidates. Hence, intervening to open the portal for fresh application will lead to problems and all the process has to be reworked which is a cumbersome process.
- Even for the management quota the above process has to be carried out and new rank list has to be prepared and released.
- Equal and fresh chance has to be given to all those candidates, who have cleared the supplementary examination. For that wide publicity has to be given through mass media and sufficient time has to be given for filing application by the supplementary candidates. This will lead to further delay in the process of completing admission and starting the academic year 2020 - 2021. Already the academic year 2020-2021 is delayed for more than four months due to COVID-19 pandemic. Engineering has completed the process of admission and medical counseling is now in progress."

3. The learned counsel for the petitioner submitted that the very purpose of writing the supplementary examination is to enable a candidate to clear the examination and participate in the selection in the same academic year. The learned counsel submitted that this has been the practice right through and only this year, due to the pandemic situation, there was some confusion in releasing the result with delay for the supplementary examination. The learned counsel submitted that even when the Hon'ble Supreme Court passed orders on 24.09.2020, it had sufficiently indicated that the earlier release of the result for the candidates, who wrote the supplementary examination, will give them an opportunity to pursue their further options. The learned counsel, therefore, submitted that the stand taken by the respondent University goes against the letter and spirit of the order passed by the Hon'ble Supreme Court.

4. Per contra, the learned standing counsel appearing on behalf of the respondent University submitted that if the University again goes through the process of opening the portal and inviting applications from all those candidates, who have cleared the supplementary examination, it will further delay the entire process and there is already a delay of four months in completing the selection process. The learned counsel submitted that by entertaining this Writ Petition, the same will open the flood gates and the respondent University will be put to untold hardship and the course cannot be started in the near future for the academic year 2020-21. The learned counsel, therefore, submitted that there is absolutely no infirmity or illegality in the decision taken by the respondent and the petitioner can always participate in the selection during the next academic year.

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

6. This Court finds force in the submissions made by the learned standing counsel appearing on behalf of the respondent University. It is quite unfortunate that the candidates, who have completed the supplementary examination are not able to participate in the selection during this academic year. However, there is no solution for every such problem and this Court in exercise of its jurisdiction under Article 226 of the Constitution of India should be very slow in interfering or issuing directions to Academic bodies, when it comes to the selection process. The written instructions extracted supra clearly explains how the entire process will have to be started once again if fresh applications are entertained by the respondent University. Already there is a substantial delay in completing the selection process due to the pandemic situation and this Court does not want to contribute and cause further delay in the selection process. This Court is not able to find any illegality in the decision taken by the respondent University. Therefore, this Court is not in a position to accede to the request made by the petitioner and no directions can be issued by this Court.

7. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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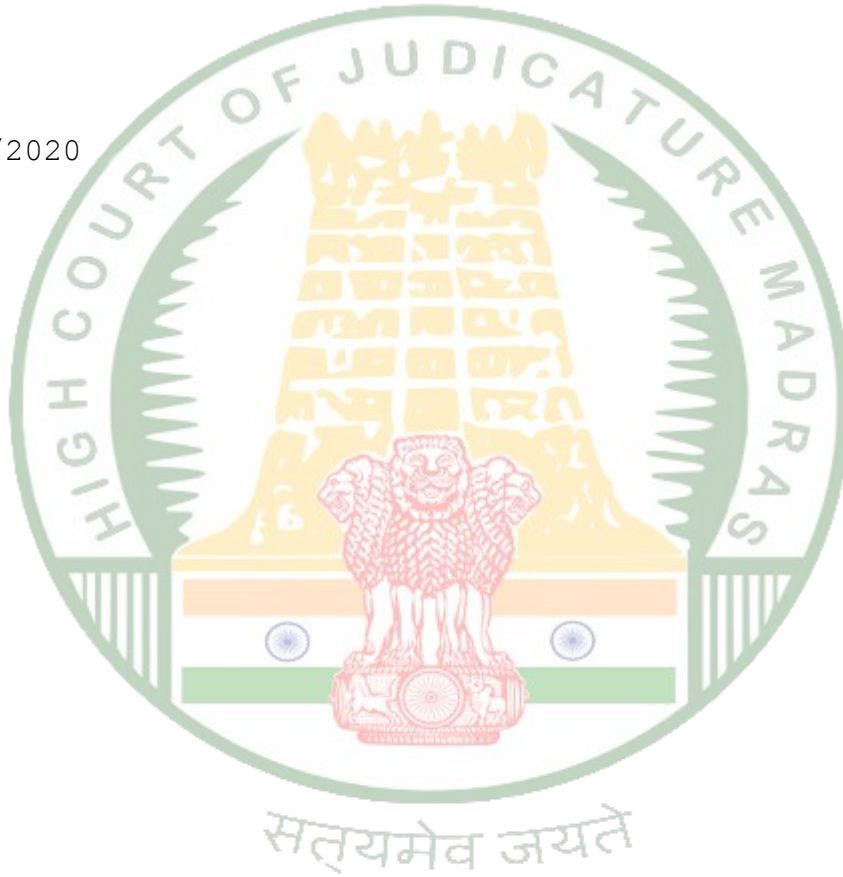
To

The Dean (Agri. Business Consortium)
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+1cc to Mr.A.Thiyagarajan, Advocate, SR.No.37512

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AJS (CO)
KKV/14/12/2020



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