

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 07.09.2020

Delivered on: 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.27498/2019 & WMP.Nos.26982,26980/2019& 7921, 7922/2020

U.Chandran

..Petitioner

.vs.

1.The Tamil Nadu Veterinary and
Animal Sciences University (TANUVAS),
Represented by its Registrar,
Madhavaram Milk Colony,
Chennai-600 051.

2.State of Tamil Nadu,
Department of Higher Education,
Represented by its Secretary,
Secretariat, Fort St.George,
Chennai 600 009.

3.State of Tamil Nadu,
Department of Animal Husbandry, 'Dairying and Fisheries
Represented by its Secretary,
Chennai 600 009.

.. Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus calling for the records relating to the prospectus for Under Graduate Admission 2019-20 issued by the Respondent No.1 insofar as it reserves only 5% seats for students from the Vocational Stream for admission to the degree course of Bachelor of Veterinary Science & Animal Husbandry (B.V.Sc & A.H) in the Respondent No.1 and set aside the same and quash G.O.(D.) No.111 dated 12.06.2012 issued by the Respondent No.3 and quash the same to the extent that it provides only 5% reservation to Vocational Stream candidates and direct the Respondent No.1 to enhance the quota for admission in the B.V.Sc.& A.H. Degree course for students from the Vocational Stream.

For Petitioner : Mr.Jayna
for Mr. C.Prabu

For R 1 : Mr.Vijay Kumar
Standing Counsel

For R2 : Mr.Akhil Akbar Ali
Government Advocate

ORDER

The present writ petition challenges the action of the respondents in allotting the seat for Bachelor of Veterinary Science & Animal Husbandry (B.V.Sc & A.H) undergraduate course towards the S.T quota exclusively in favour of the academic stream without providing even a single seat for students belonging to the S.T category under the vocational stream.

2.The case of the petitioner is that the petitioner secured the first rank in the S.T community and applied for the under graduation course under the vocational stream. Out of 306 seats, 1% of the seat is reserved for S.T which results in allotting three seats for S.T candidates. The grievance of the petitioner is that all the three seats were allotted for S.T candidates coming from the academic stream and as a result of the same, no one got a seat from the vocational stream under this category.

3.The learned counsel appearing on behalf of the petitioner submitted that even though a larger relief is claimed in the writ petition, the petitioner confines his claim only insofar as questioning the action of the respondents in allotting all the three seats for S.T candidates falling under the academic stream. The learned counsel for the petitioner further submitted that even though the academic year is over, the petitioner should not again face the same disadvantage this year also and therefore, if this position is clarified, the petitioner will stand a good chance atleast in the academic year 2020-2021. The learned counsel for the petitioner submitted that the respondents ought to have distributed the three seats among the students belonging to the academic stream and also the vocational stream.

4.The 1st respondent has filed a counter affidavit. The relevant portions in the counter affidavit is extracted hereunder:

"7.With regard to the averments contained in paragraph Nos. 7 to 10 of the affidavit, I submit to state that the respondent University admits students for Undergraduate degree

programme, B.V.Sc & A.H every year based on the merit list drawn from the aggregate marks secured by the students in their qualifying examination i.e., Plus two or higher secondary examination. The total admission strength for B.V.Sc & A.H approved by Government of Tamil Nadu and Veterinary Council of India (All India Quota) New Delhi is 360. Out of 360 seats, 54 seats (15% of Total admission strength) are allotted to All India Quota for which selection will be done by Veterinary Council of India, New Delhi. The remaining 306 seats are available to Tamil Nadu state students. By applying the existing rules of reservation of Government of Tamil Nadu, seats are distributed to different communities as follows:

OC	BC	BCM	MBC	SC	SCA	ST	TOTAL
(13%)	(26.5%)	(3.5%)	(20%)	(15%)	(3.0%)	(1%)	(100%)
95	81	11	61	46	9	3	306

8. It is submitted that as per GO.No.1312 as AH (1) Dated: 30.06.1984, 5% of the total admission strength is reserved for +2 Vocational stream candidates and the remaining 95% is reserved for +2 academic stream candidates of Tamil Nadu. Hence, the seats are allocated between academic and vocational streams and are furnished below:

Community	OC (13%)	BC (26.5%)	BCM (3.5%)	MBC (20%)	SC (15%)	SCA (3.0%)	ST (1%)	TOTAL (100%)
Total seats	95 [94.86]	81 81.09	11 10.71	61 61.2	46 45.9	9 9.18	3 3.06	306
Academic stream	89 89.28	77 76.32	10 10.08	57 57.6	44 43.2	8 8.64	3 2.88	288
Vocational Stream	6 5.58	4 4.77	1 0.63	4 3.6	2 2.7	1 0.54	0 .18	18

9. It is submitted that the petitioner, Mr.U.Chandran, (Application No. BVO 5486) has applied for BVSc & AH degree under Vocational stream during 2019-20. He has secured the following marks in +2 examinations as per the mark sheet provided by him and scrutinized by the respondent University:

S.No.	Subject	Marks Obtained	Maximum Marks
1.	Tamil	57	100
2.	English	44	100
3.	Biology	50	100

S.No.	Subject	Marks Obtained	Maximum Marks
4.	Vocational Theory	93	100
5.	Vocational practical-I	100	100
6.	Vocational practical-II	100	100
	Total	444	600

10. In terms of the prospectus of TANUVAS UG Programme 2019 2020 (available on line to all applicants), Candidates apply under academic stream will be selected based on the aggregate marks secured by them in the subject of Biology/ Botany and zoology put together (100 %) and Physics and Chemistry put together (100%). However Candidates apply under vocational stream shall be selected based on the aggregate marks secured by them in the subject of biology and Subjects under Vocational stream.

The calculation of aggregate marks for Vocational stream is as follows:

Subject	Maximum Marks	Marks secured	Aggregate marks	Total aggregate marks
Biology	100	50	50/100	147.67/200
Vocational Theory	100	93	293/3= 97.67/100	
Practical-I	100	100		
Practical-II	100	100		

Thus, the aggregate marks secured by the petitioner is 147.67 out of 200. i.e., Biology + Vocational subjects (Theory + Practical-I and Practical - II put together): 50 + 97.67 = 147.67/200. Based on the aggregate marks secured by all the candidates who applied under vocational stream, a merit list has been drawn and 169 eligible candidates have been listed.

11. It is submitted that in the first round of counselling, 26 vocational stream students belonging to different communities as per the rules of reservation of Government of Tamil Nadu in force have been Intimated to download the counselling call letter as follows:

Community (rank) - No. of candidates	Cut off/aggregate mark
OC (1-8) - 8 candidates	198.00-191.00
BC (4-8) - 5 candidates	185.00-181.00

Community(rank) -No.of candidates	Cut off/aggregate mark
BCM(1) - 1 candidate	164.67
MBC(4-9) - 6 candidates	189.00-183.33
SC(3-7) - 5 candidates	189.00-181.33
SCA(4) - 1 candidate	180.67

12. It is further submitted that during first round of counselling held on 25.07.2019 at 11.30 AM, out of 26 students called for counselling, 24 candidates reported for counseling under vocational stream. The following is the list of students who have been given admission to B.V.Sc & A.H programme under vocational stream based on the aggregate marks (cut off) secured by them.

Community	Number of students admitted	Last cut off/aggregate marks up to which the students have been admitted
OC	6	191.67
BC	4	185.33
BCM	1	164.67
MBC	4	185.67
SC	2	189.00
SCA	1	184.67
Total	18	

Thus all 18 seats (seats reserved under vocational stream) have been filled up and the remaining six candidates are kept in counselling waiting list.

13. With regard to averments contained in paragraph Nos.11 to 14 of the affidavit, I submit to state that, as per the government policy, 1% of seats shall be reserved for students belonging ST community out of the total admission strength available for Tamil Nadu students. Accordingly three seats have been allotted to B.V.Sc & A.H academic ST students. No seats could be allocated for ST category of vocational stream students since 1% out of 18 seats is only 0.18 seat as per rules of reservation of Government of Tamil Nadu in force".

5.Mr.Vijay Kumar, learned Standing Counsel appearing on behalf of the 1st respondent apart from reiterating the contentions raised in the counter affidavit, submitted that the respondents were not able to allot any seat for students falling under the vocational stream since 1% out of 18 seats works out to less than one and therefore, no seats could be allotted to any student falling under the vocational stream.

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

7.The main relief claimed by the petitioner has become infructuous since the academic year 2019-2020 is already over. The only other issue that requires consideration is as to whether the respondents went wrong in not allotting even a single seat under the vocational stream.

8.A reading of the counter affidavit shows that as per the Government Order, 5% of the total admission strength is reserved for vocational stream candidates and 95% is reserved for academic stream candidates. Accordingly, the respondents were able to allocate no seats towards vocational stream since the percentage for vocational stream fell below 1%. This Court does not find any illegality in the action of the respondents. The same has been done strictly in accordance with the Government Order. The explanation given by the 1st respondent in the counter affidavit for not being able to accommodate the petitioner under the S.T category from the vocational stream, is reasonable and does not require any interference.

9.In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.The Tamil Nadu Veterinary and
Animal Sciences University (TANUVAS),
Represented by its Registrar,
Madhavaram Milk Colony,
Chennai-600 051.

2.State of Tamil Nadu,
Department of Higher Education,
Represented by its Secretary,
Secretariat, Fort St.George,
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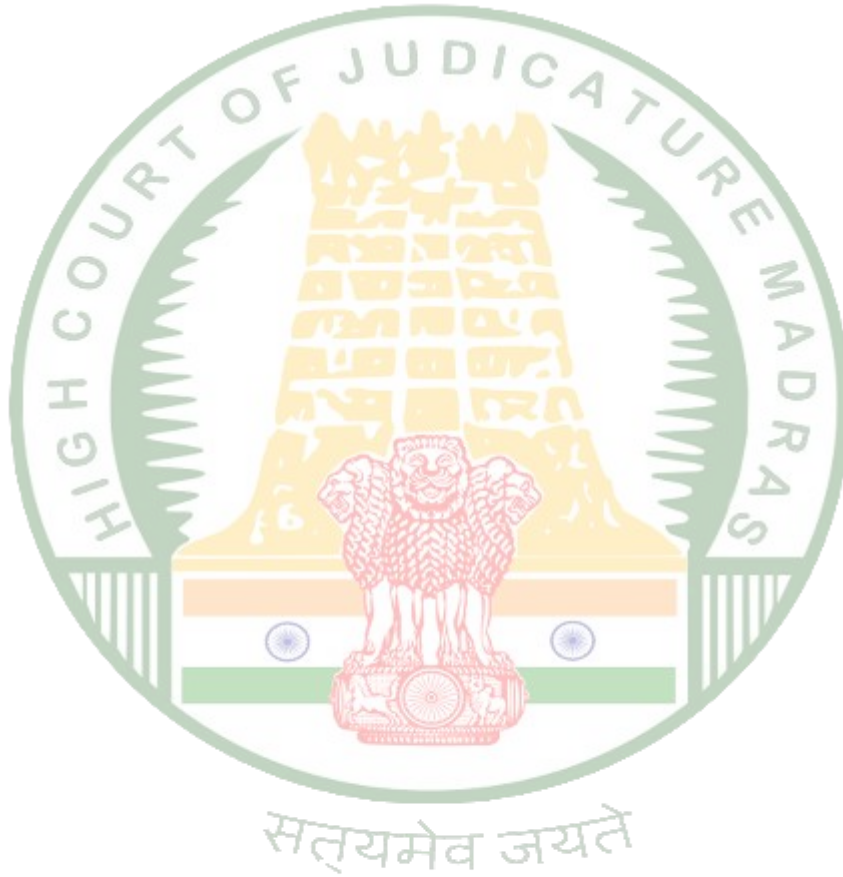
3.State of Tamil Nadu,
Department of Animal Husbandry, 'Dairying and Fisheries
Represented by its Secretary,
Chennai 600 009.

+1cc to Mr.S.Vijayakumar, Advocate SR.29420
+1cc to the Government Pleader SR.29619

WP.No.27498/2019

CA(CO)

CB(23/10/2020)



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