



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2020

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**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**W.P. (MD)No.10816 of 2020
and
W.M.P. (MD) No.9521 of 2020**

C.Asokan

... Petitioner

Vs.

- 1.Government of Tamil Nadu,
By its Secretary,
Department of Higher Education,
Secretariat,
Chennai - 600 009.
- 2.The Secretary,
Directorate of Technical Education,
53, Sardhar Patel Road,
Guindy, Chennai - 600 025.
- 3.Government of India,
By its Secretary,
Department of Higher Education,
Sastri Bhavan, New Delhi.
- 4.The Senior Director,
National Testing Agency,
C20,1A/8, Sector 62,
IITK Outreach Center,
Noida - 201 309.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to notify the procedure to fill the vacancies which may arise after the National Level Test conducted by the 4th respondent for the year 2020 after the selection made by the 1st and 2nd respondents through Tamil Nadu Engineering Admission for the year 2020.

For Petitioner : Mr.S.Muthukrishnan
For Respondents 1 & 2 : Mr.K.P.Krishnadoss
Special Government Pleader

**O R D E R**

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The Writ Petition is styled as "Public Interest Litigation" and according to the petitioner, the national level examinations such as Joint Entrance Examination (JEE), National Eligibility cum Entrance Test (NEET) and Entrance Tests to Indian Institutes of Technology is delayed this year and he would express his grievance that due to the non-venturing of the procedure for filling up the drop out vacancies, that may arise after the tests of JEE and NEET, the problems and difficulties to the students would be increased and in this regard, the petitioner has also submitted a representation dated 17.08.2020 to the concerned respondents through e-mail and despite receipt and acknowledgment, no response is forthcoming and therefore, he is constrained to approach this Court with this Writ Petition.

2. Heard the learned counsel for the petitioner, who has drawn the attention of this Court to the contents of the affidavit filed in support of the petition and made his submissions, and the learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

3. This Court considered the rival submissions and perused the materials placed before this Court.

4. The problem pointed out by the learned counsel for the petitioner is not an unique phenomenon only for this academic year. The choice is left to the students, who are successful in the examinations, to choose their course and there may be some vacancies on account of non-joining of the course and a particular student cannot be compelled to join a particular course. It is pertinent to point out that on account of non joining of the students, despite being successful in the selection, there may be some vacancies, despite mop up counselling, and it is an unique phenomenon prevailing in all academic years.

5. The learned counsel for the petitioner would pray for a direction to dispose of his e-mail representation and in the considered opinion of this Court, in the light of the above said facts and circumstances, there cannot be any positive direction in this regard. The petitioner is also having an alternative remedy by Right to Information Act to find out the fate of his representation.

6. In the result, the Writ Petition is dismissed. The petitioner is at liberty to invoke the Right to Information Act to know about the fate of his representation submitted in this regard. Consequently, connected Miscellaneous Petition is also dismissed.



However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The Secretary,
Department of Higher Education,
Secretariat,
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- 2.The Secretary,
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- 3.The Secretary,
Department of Higher Education,
Government of India,
Sastri Bhavan, New Delhi.
- 4.The Senior Director,
National Testing Agency,
C20,1A/8, Sector 62,
IITK Outreach Center,
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+1 CC to SPL GP (SR-16093[F] dated 07/09/2020)

W.P.(MD)No.10816 of 2020

and

and W.M.P.(MD) No.9521 of 2020

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