



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

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CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 26123 of 2019

WMP Nos.25496 and 25499 of 2019

Master M.D.Iniyan (Minor)
Rep. by Father and Natural Guardian
S.Moorthy

...Petitioner

Vs.

1.Tamilnadu Agricultural University
Represented by the Registrar
Coimbatore.

2.The Dean & Chairman (Admissions)
Tamil Nadu Agricultural University
Coimbatore.

3.State of Tamilnadu
Rep. by its Secretary
Agriculture Department
Fort St. George, Chennai 600 009.

...Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the prospectus for Undergraduate admission 2019-20 issued by the first respondent insofar as the exclusion of the students from Vocational stream for admission to four Undergraduate courses namely, I) B.Sc (Hons)Agriculture ii)B.Sc.(Hons) Horticulture iii) B.Sc.(hons) Forestry iv) B.Tech Agricultural Engineering in the affiliated colleges of TNAU, and quash the same and consequently direct the respondents to enhance the quota for admission in the above courses for students from vocational stream to 15% and also to provide for reservation of seats to BCs and admit the petitioner



to B.Sc (Hons) forestry or B.Sc (Hons) Agriculture in TNAU or any of its affiliated colleges.

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For Petitioner : Mr.Giridhar
For Respondent : Mr.Abdul Saleem
Standing Counsel for R1 and R2
Mr.U.Baranidharan
Government Advocate for R3

O R D E R

This writ petition was filed in the year 2019 challenging the prospectus issued by the 1st respondent during the academic year 2019-20 insofar as the exclusion of the students from the vocational stream to seek for admission to the Undergraduate courses and for a consequential direction to the respondents to enhance the quota for the students from vocational stream and also provide for reservation of seats.

2. The pleadings were complete in the year 2019. However, the writ petition was not taken up for hearing immediately and it saw the light of the day only in the year 2021. By then the student, who has to take care of his future, had joined the course at Annamalai University. Therefore, the first question that cropped up at the time of hearing was whether anything survives in this writ petition in view of the subsequent development.

3. When the above question was posed to the learned counsel for the petitioner, the learned counsel submitted that the issue that was raised in the writ petition subsists even today and therefore, this Court may give a solution for the issue, even though the student had joined the course elsewhere. The learned counsel submitted that the writ petition cannot be closed as infructuous, since the delay cannot be attributed to the petitioner. Therefore, the learned counsel submitted that this Court may consider dealing with the issue involved in the present writ petition and give a finding.

4. This Court finds force in the submission made by the learned counsel for the petitioner. The student, who is involved in this case, cannot be sitting idle till the disposal of this



writ petition and he has to necessarily proceed further and take care of his future. Therefore, in cases of this nature, if larger issue that was raised in the writ petition continues to subsist, this Court has to necessarily take up the issue to find a solution so that there will be more clarity, while dealing with the issue in future and the students, who seek for admission hereafter, will know where they stand insofar as securing admission for the relevant courses provided by the 1st respondent. In view of the same, this Court decided to take up the issue that has been raised by the petitioner in the present writ petition.

5. Heard Mr.Giridhar, learned counsel for the petitioner, Mr.Abdul Saleem, learned standing counsel for respondents 1 and 2 and Mr.U.Baranidharan, learned Government Advocate for the third respondent.

6. The learned counsel for the petitioner submitted that the petitioner had taken the vocational stream in the Higher Secondary School, namely, agricultural practices and he secured 77.8% in the Higher Secondary examination conducted during March 2019. The learned counsel further submitted that the Higher Secondary students, who had undergone the vocational stream, are eligible to apply only for four courses namely, B.Sc.(Hons) Agriculture, B.Sc. (Hons) Horticulture, B.Sc. (Hons) Forestry and B.Tech Agricultural Engineering. It was further submitted that the 1st respondent University has 18 constituent Colleges and 28 Affiliated Colleges across the State of Tamil Nadu.

7. The learned counsel for the petitioner submitted that the prospectus issued by the 1st respondent for admission to the above courses during the academic year 2019-20 had specified that only 5% of the seats are reserved for the candidates, who are qualified under the vocational stream in the above courses. The learned counsel submitted that the students, who fall under this stream, will not be considered under the general merit or under any of the reservation categories. The learned counsel further submitted that even this 5% of the seats was confined only to the constituent colleges and it was not extended to the affiliated colleges, whereas, for the students, who fall under the academic stream, they will be entitled to participate in the admission to the above courses both under the general counselling and the management quota both in the constituent



colleges as well as in the affiliated colleges. In view of the same, the students, who fall under the vocational stream, hardly get only 44 seats out of the total available 3905 seats. This, according to the learned counsel for the petitioner, is arbitrary and it completely works against the students, who had undergone the vocational stream and take agricultural practices as a subject and which is more relevant, when it comes to the above said four courses.

8. The learned counsel for the petitioner submitted that the limited quota of 5% of the seats in the four courses and the total exclusion of those students falling under the vocational stream from the affiliated colleges is arbitrary and unreasonable and it is violative of Article 14 of the Constitution of India. The learned counsel further developed his argument by submitting that the students belonging to the academic stream are eligible to participate in all the ten courses, whereas the students falling under the vocational stream are eligible to participate only for four courses and given only 5% quota and the same is also unfair and unreasonable. It was further submitted that the students falling under the vocational quota are not provided with the reservation in accordance with the policy of the Government and thereby those students have been denied their right to be granted admission by applying the reservation policy and the same is illegal. The learned counsel concluded his argument by submitting that totally 140 seats in eight courses are reserved for NRIs and another 140 seats in the eight courses are reserved for industrial sponsorship quota both in the constituent colleges as well as in the affiliated colleges and many of the seats lapsed due to want of students and therefore, there is absolutely no reason as to why such a huge reservation has been made under this quota and deny the legitimate expectation of the students who undergo the vocational stream and for whom there is very limited option available to join in the undergraduate courses.

9. The 1st respondent and 2nd respondents have filed a counter affidavit. It is stated in the counter affidavit that the 5% reservation of seats to the vocational stream is being granted based on G.O.(Ms).No.1312, dated 30.06.1984 and since the G.O., itself has not been put to challenge, the reservation made in the prospectus alone cannot be challenged before this



Court and on this ground alone the writ petition must be dismissed. The 1st and 2nd respondents have explained the basis for the admission of students for the courses at Paragraph No.4 of the counter affidavit and for proper appreciation, the same is extracted hereunder:

"4. Before traversing parawise on various contentions raised by the petitioner in the affidavit filed in support of the writ petition, I hereby place the following facts for consideration before this Hon'ble Court:

a. Vide notification, the respondent University called for applications for admission to undergraduate programs in TNAIJ including constituent colleges and affiliated institutes.

b. A candidate has to apply only through online and not manually. I state that all the eligible candidates have applied by online enrollment through single window system for getting admission in the constituent colleges of TNAU as well as affiliated colleges run by Private Trust even for management quota. This process is being followed in order to select only the eligible candidates.

c. That in strict compliance with the various rules and regulations, reservation policy is strictly followed by TNAU and apart from following the general reservations, special reservations are also provided and the present case is in respect of granting reservation to the vocational stream of students.

d. That, in order to encourage and in order to provide an avenue for higher education for the student who peruse vocational stream of education in the Higher Secondary School, the Government vide G.O.Ms.No.1312 dated 30.06.1984, after considering the need for providing the reservations to +2 vocational stream students had directed to grant 5% of seats in undergraduate degree programme in the colleges under the Tamil Nadu Agricultural University in i) B.Sc., Agriculture, ii) B.Sc., Horticulture, iii) B.V.Sc, (iv) B.E.Agri and v) B.Fsc. The said G.O. is being strictly followed by TNAU till date.



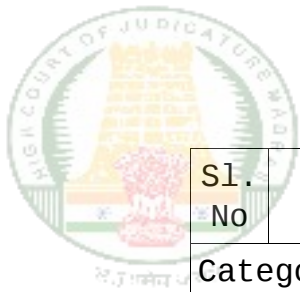
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e. That, since the Fisheries and Veterinary Science are now being offered by the respective institutions, TNAU at present is providing reservation to the vocational stream of students in the following Degree Programs ie., i) B.Sc (Hons) Agriculture, ii) B.Sc., (Hons) Horticulture, iii) B.Sc (Hons) Forestry, iv) B.Tech Agricultural Engineering in the Constituent colleges in TNAU. Further, the reservation is exclusively for vocational stream students and hence reservation under general merit and other reservation categories are not granted to the said candidates and the same if granted would amount double reservation benefit.

f. That the petitioner herein had taken Agricultural Practices and had undertaken Biology, Theory & Practical and is qualified for applying for undergraduate courses offered by TNAU. The basic qualification for admission undergraduate courses offered by TNAU as prescribed in the prospectus for the academic year 2019-2020 is as follows:

CATEGORY Ia

Sl. No	Degree	+2 Subject requirements
1	i) B.Sc (Hons) Agriculture, ii) B.Sc. (Hons) Horticulture, iii) B.Sc (Hons) Forestry, iv) B.Tech Agricultural Engineering	Group I: Mathematics, Physics, Chemistry and Biology. or Ground II: Physics, Chemistry, Biology with any one of the fourth (elective) subject viz., Biotechnology, Microbiology, Biochemistry, Computer Science and Home science. Or Group II(A): Physics, Chemistry, Botany and Zoology.



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Sl. No	Degree	+2 Subject requirements
Category 1b		
1.	B.Sc. (Hons) Food, Nutrition and Dietetics	Group I: Mathematics, Physics, Chemistry and Biology. Or Group II: Physics, Chemistry, Biology with any one of the fourth (elective) subject viz., Biotechnology, Microbiology, Biochemistry, Computer Science and Home science/Nutrition and Dietetics. Or Group II(A): Physics, Chemistry, Botany and Zoology
Category II		
1	B.Tech Agricultural Engineering	Group I: Mathematics, Physics, Chemistry and Biology.
2	B.Tech. Food Technology	or
3	B.Tech (Energy and Environmental Engineering)	Mathematics, Physics, Chemistry and Computer Science.

g. That as per the prospectus the special reservation to the Vocational Stream is stipulated under Clause 2.1.2 and the same is as follows:

2.1.2 Higher Secondary Course (HSC) - Vocational Stream

Five per cent of seats of B.Sc. (Hons) Agriculture, B.Sc.(Hons) Horticulture, B.Sc (Hons) Forestry and B.Tech (Agricultural Engineering) at AEC&RI, Kumulur Programmes in TNAU Constituent Colleges are exclusively reserved for candidates who have qualified under Vocational stream and therefore, they shall not be considered under general merit and any other reservation categories.



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Vocational group candidates are eligible only for the degree programmes indicated below:

I. Candidates who passed Higher Secondary Course (HSC) under Vocational Stream and studied Biology and Agricultural Practices as vocational subject including theory and practical are eligible to apply for the degrees, B.Sc (Hons) Agriculture, B.Sc(Hons) Horticulture, B.Sc(Hons) Forestry and B.Tech. (Agricultural Engineering)

II. Candidates who passed HSC under vocational stream and studied any one of the subjects, namely, Biology or Mathematics or Physics and vocational subjects including theory and practical of Agricultural Practices are eligible to apply for the degree B.Tech (Agricultural Engineering).

Candidates who passed Higher Secondary Course (HSC) under vocational stream are not eligible for Management Quota under Affiliated Colleges.

h. That in strict compliance of the above provision, merit list was published by TNAU and the petitioner was in 143rd position in the merit list and was not successful in securing an Undergraduate seat in TNAU in the permitted courses.

i. That as stated above, TNAU permits the vocational stream students for the following UG Degree Courses i) B.Sc (Hons) Agriculture, ii) B.Sc. (Hons) Horticulture, iii) B.Sc (Hons) Forestry, iv) B.Tech Agricultural Engineering by providing 5% of seats. In the regard it is important to mention that following are the number of seats available in the respective Degree courses:

- a. B.Sc (Hons) Agriculture - 620 seats
- b. B.Sc. (Hons) Horticulture - 165 seats
- c. B.Sc (Hons) Forestry - 45 seats
- d. B.Tech Agricultural Engineering - 110 seats

and out the total number of seats from the above ie., 940 seats 5% reservation ie., 47 seats is granted to the vocational stream students.

j. It is pertinent to mention that TNAU had



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approved only one vocational stream in Higher Secondary School, ie., Agricultural Practices and vocational stream of students who had completed Agricultural Practices are alone entitled for the benefit of 5% reservation. The reason for approving the Agricultural Practices for admission to the above mentioned Degree Course is for the reason the syllabus offered in the above Agricultural Practices will be the basic for the Degree Courses mentioned above.

k. That, apart from the above mentioned courses, TNAU also offers other degree courses as well and benefit of special reservation to vocational stream is not extended to the said courses as those courses are specialized courses at UG level and syllabus offered in the vocational stream does not include the basic courses required for the specialized courses. Hence, reservation for vocational stream is not extended for these degree course.

l. That, reservation to the vocational stream of students is granted considering the syllabus offered in the Vocational stream and is restricted to i) B.Sc (Hons) Agriculture, ii) B.Sc. (Hons) Horticulture, iii) B.Sc (Hons) Forestry, iv) B.Tech Agricultural Engineering as the vocational stream, i.e., Agricultural Practices offers the basic course for the above degree courses. The 5% reservation is based on the G.O.Ms.No.1312 dated 30.06.1984 whereby the Government had fixed the reservation at 5% of the total number of seats in i) B.Sc (Hons) Agriculture, ii) B.Sc. (Hons) Horticulture, iii) B.Sc (Hons) Forestry, iv) B.Tech Agricultural Engineering.

m. That in compliance of the above G.O. merit list was prepared and the petitioner herein was also included in the merit list but he was unsuccessful in securing a seat and for the said reason the petitioner cannot seek to quash the entire prospectus.



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n. That the contention of the petitioner to grant communal rotation and to grant reservation in NRI and Industrial Sponsorship Quota is concerned it is stated that the since 5% of seats in four degree courses are reserved for vocational stream as special reservations, communal rotation is not provided as second benefit. Further, NRI and Industrial sponsorship Quota are not granted to affiliated colleges and being granted only in constituent colleges. Hence, the contention of the petitioner to grant benefits under the above category is not maintainable under law and liable to be dismissed."

10. The learned counsel appearing on behalf of the 1st and 2nd respondents apart from reiterating the stand taken in the counter affidavit submitted that the 5% quota that is given to the students coming under the vocational stream has a strong basis and it is given on the strength of the Government Order issued by the 3rd respondent. The learned counsel further submitted that the vocational stream students are given 5% quota for the four courses extracted hereinabove and accordingly out of 940 seats, 47 seats are granted to the vocational stream students. The learned counsel further submitted that the eligibility to participate in the admission is provided under Clause 2 of the prospectus and as per the details available, a student, who undergoes the agricultural practices vocational stream with Biology, Theory, Practical I and Practical II as the subjects in the group. This has been taken into consideration and the Government has thought it fit to provide reservation of 5% exclusively for those students, who undergo this vocational stream. The learned counsel submitted that there is absolutely no ground to interfere with the prospectus issued by the 1st respondent without challenging the relevant Government Order and therefore, prayed for the dismissal of the writ petition.

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

12. In the considered view of this Court, the basis for fixing 5% quota for students falling under the vocational stream is GO.(Ms).No1312, dated 30.06.1984. The Government, after



examining the representation made by the Registrar of the Tamilnadu Agricultural University, took a decision to provide 5% of the seats in each undergraduate Degree programme in the colleges under Tamilnadu Agricultural University for all the above four courses. At the time when this Government Order was passed, the private colleges were not available and therefore, while passing this Government Order, there was no occasion for the Government to separately deal with its application for the affiliated colleges also. However, the 1st respondent seems to have read this Government Order literally and applied the 5% reservation only for the constituent colleges and it was not extended to the affiliated colleges even as per the prospectus. This is one important area, which requires to be clarified in the present writ petition.

13. It is an admitted case that the students, who undergo the vocational stream are eligible only for four courses, which have been extracted supra, out of the total ten courses offered by the University. The 1st respondent University has 18 constituent colleges and 28 affiliated colleges. A plain reading of the Government Order does not in any way restrict the application of the 5% quota only to the constituent colleges. Therefore, it is clarified that the 5% quota that has been provided under the Government Order must be applied both for the constituent colleges as well as the affiliated colleges across the State of Tamilnadu. By giving such an interpretation, there will be lot more students, who are undergoing the vocational stream, who will get the benefit of the 5% quota that has been fixed by the Government. This is more so since the nature of course that is undergone confines the student under the vocational stream to a limited number of courses and therefore the quota must be utilized to its fullest in all the colleges falling under the 1st respondent University. This should be taken into consideration going forward from the next academic year.

14. The students, who undergo the vocational stream and have taken agricultural practices for whom the subjects in the group are Biology, Theory, Practical I and Practical II and are found to be eligible to participate in the admission in the above four courses, should be permitted to participate both under the general category as well as the reservation categories along with the other students. This is only a suggestion made by this Court, wherein, the 3rd respondent can take into



consideration the changed circumstances and issue a fresh Government Order whereby, the students coming under the vocational stream can also be permitted to participate under the general category as well as the reservation category in the above said four courses. There is no reason as to why their participation should be restricted only to 5% quota.

15. The above suggestion is given keeping in mind the fact that the students, who come from the academic stream are allowed to participate in all the ten courses without any restrictions both under the general category as well as in the reservation categories and there is no reason as to why the students falling under the vocational stream should not be given the same opportunity while participating in the admission for the four courses to which they are eligible. The 3rd respondent has to take this into consideration, while issuing the fresh Government Order.

16. In view of the above discussion, if the Government Order that has already been passed in G.O.(Ms).No.1312, dated 13.08.1984 continues to be in force, the 5% quota must be extended to both constituent colleges as well as the affiliated colleges. However, it is always left open to the 3rd respondent to take into consideration the subsequent developments and the suggestions put forth by this Court and issue a fresh Government Order by giving a fair opportunity for the students falling under the vocational stream to participate in the admission in i) B.Sc (Hons) Agriculture ii) B.Sc. (Hons) Horticulture iii) B.Sc. (hons) Forestry iv) B.Tech Agricultural Engineering.

17. This writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

RAP/RR



To

1.The Registrar,
Tamilnadu Agricultural University,
Coimbatore.

2.The Dean & Chairman (Admissions),
Tamil Nadu Agricultural University,
Coimbatore.

3.The Secretary
Agriculture Department
Fort St. George,
Chennai 600 009.

+1cc to M/s.Abdul Saleem, Advocate SR.No.48296

+1cc to the Government Pleader SR.No.48548

W.P.No.26123 of 2019

RLD(CO)
RVM(20/10/2021)