



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	22.02.2021
Pronounced On	28.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.7165 of 2017

and

W.M.P.Nos.7790 of 2017 & 14894 of 2018

(Through Video Conferencing)

S.K.Natarajan

... Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The Secretary,
Ministry of Higher Education,
Secretariat,
Chennai - 600 009.
3. The Secretary,
Information Technology Department,
Government of Tamilnadu,
Chennai - 600 009.
4. The Director,
Centre for University Industry Collaboration,
Anna University, Sadar Patel Road,
Chennai - 600 025.
5. The Registrar,
Anna University, Chennai.
6. The Chairman,
NASSCOM, Samruddhi,
Venture Park Ground Floor,
14-15, Central MIDC Road,
Andheri East,
Mumbai - 400 093.



7. The Director,
NASSCOM
TRIAL Infor Park,
Amenity Floor, Hardly Tower,
OMR, Chennai - 600 113.
8. The Chief Executive Officer,
Wipro, Corporate Office,
Doddakannelli Sarjapur Road,
Bangalore - 560 035.
9. The Chief Executive Officer,
Tata Consultancy Services,
TCS House,
Reveline Street, Fort,
Mumbai - 400 001.
10. The Chief Executive Officer,
Cognizant, 12th & 13th Floor,
"A" Wing, Kensington Building,
Hiranandani Business Park,
Powai, Mumbai - 400 076.
11. The Chief Executive Officer,
Infosys, Corporate Headquarters,
Electronics City, Hosur Road,
Bangalore - 560 100.
12. The Chief Executive Officer,
Accenture, Corporate Headquarters,
Al-Godrej Industries Complex,
Mumbai, Maharashtra - 400 079.
13. The Chief Executive Officer,
Tech Mahindra Limited,
Wing 1, Oberoi Gardens Estate,
Off. Saki Vihar Road, Chandivali,
Andheri (E), Mumbai - 400 072,
Maharashtra.
14. R. Ilaiyarasu
(impleaded as per order dated 31.7.2017
in W.M.P.No.20804 of 2017)
15. The All India Council for Technical Education,
Represented by its Chairman, New Delhi.



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16.The Consortium of Self-Financing Professional Arts and Science Colleges in Tamil Nadu, Represented by its President, No.57, 11th Main Road, AE-Block, Anna Nagar East, Chennai - 600 040.

17.Education Promotion Society for India, DTJ 504, 5th Floor, DLF Tower-B, Jasola (Near Indraprastha Apollo Hospital), New Delhi - 110 025.

(R15 to R17 suo motu impleaded as per order dated 09.10.2017)

18.The Union of India, Rep. by Secretary, Ministry of Human Resources Development, New Delhi. (suo motu impleaded as per order dated 23.10.2017)

19.The Council of Architecture, Rep. by its Registrar, India Habitat Centre, Core 6A, I Floor, Lodhi Road, New Delhi - 110 003. (suo motu impleaded as per order dated 20.11.2017)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the Respondents 1 and 5 to implement the Tamilnadu State Level Placement Programme in the Respondents 6 and 7 member companies of Respondents 8 to 13 in fair and effective manner of conducting the Common Campus Recruitment Programme to the petitioner's daughter N.Elakkiya student of the Engineering Colleges, Universities and Deemed Universities situated in the State of Tamilnadu with prohibition of conducting the campus interview process in the selected individual Colleges, Universities and Deemed Universities so as to achieve the principle of equality among the meritorious students



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irrespective of the colleges.

For Petitioner : Mr.K.K.Ramakrishnan

For R1 & R3 : Mr.N.Inbanathan, A.G.P.
For R2 : Mr.Karthigai Balan, G.A.
For R4 & R5 : Mr.L.P.Shanmugasundaran
For R6 & R7 : Mr.G.Ramanujam
For R8 : Mr.Lakshya Anand
For R9 : Mr.Vinod Kumar
For R10 & R11 : Mr.R.Premkumar
for M/s.King & Patridge
For R12 : Mr.G.Balasubramanian
For R13 : Mr.R.Ravindran, Senior Counsel
for Mr.S.Bazeer Ahamed
For R14 : Mr.N.Umapathy
For R15 : Mr.B.Rabu Manohar
For R17 : Mr.R.Natarajan &
Mr.P.Naresh Kumar
For R19 : Mr.A.Sheik Peer

O R D E R

The petitioner has filed a Writ of Mandamus to direct the first to fifth respondents to implement the Tamil Nadu State Level Placement Programme (TNSLPP) in the eighth to twelfth private respondents in a fair and effective manner of conducting the common Campus Recruitment Programme for the petitioner's daughter N.Ellakiya, a student of Engineering College, University and Deemed University from the State of Tamil Nadu and to prohibit conduct of campus interview process in the selected individual Colleges, Universities and Deemed Universities so as to achieve the principle of equality among the meritorious students irrespective of the colleges.



2. By this writ petition, the petitioner seeks equal treatment for all the students who pass out of various engineering colleges from Tamil Nadu by putting an end to the practice of campus interview by private software companies under the auspices of Tamil Nadu State Level Placement Programme (TNSLPP) of the fourth and fifth respondents which prescribes different criteria for different colleges.

3. The petitioner has not disclosed the name of the colleges in which the petitioner's daughter was studying. It has been filed in advance even before the petitioner's daughter has completed her under-graduation.

4. In this Writ Petition, the fourteenth respondent was subsequently impleaded. The fourteenth respondent has lent his voice to the cause of the petitioner.

5. The Anna University, namely the fourth and fifth respondents herein, liaised with various Private Companies such as eight to twelfth respondents and fourteenth to nineteenth respondents and various Engineering Colleges in the State of Tamil Nadu affiliated with the Anna University to facilitate Campus recruitment of students passing out from them.

6. The fifth respondent has devised a scheme called Tamil Nadu State Level Placement Programme (TNSLPP), whereby, various



Private Companies engaged in software and information technology services were asked to give their requirements.

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7. Pursuant to the above, campus recruitments are being conducted in various Colleges affiliated to the fifth respondent under the Tamil Nadu State Level Placement Programme (TNSLPP) by these companies.

8. It is the case of the petitioner that under the Tamil Nadu State Level Placement Programme (TNSLPP), the fourth and the fifth respondents have allowed the private companies to set different criteria for different colleges, as result of which, student passing out from colleges located outside the cities are at a disadvantage.

9. Initially, the present Writ Petition was filed against the first to thirteenth respondents. Subsequently, the fourteenth to nineteenth respondents were impleaded.

10. Earlier, by an order 09.10.2017, eighth to twelfth respondents who are private software companies were directed to furnish the following details:

- i. How many Campus interviews have been conducted from 2010 to 2017 in various Engineering Colleges in Tamil Nadu?
- ii. How many colleges and what are the names of the colleges, which were chosen for holding campus interviews by the private respondents?



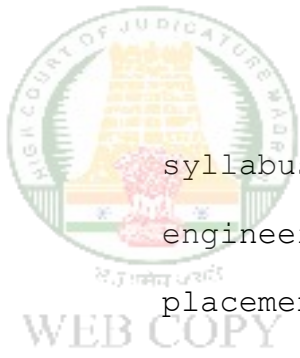
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- iii. What is the yardstick followed by the private respondents while selecting the colleges for conducting such campus interviews?
- iv. How many students have been selected in such Campus interviews conducted from the year 2010 to 2017 and the list of those students? (year wise, college wise and company wise particulars to be furnished).
- v. Out of selected candidates, how many of them have been given placement orders? (Year wise, college wise and company wise particulars to be furnished).
- vi. Is it a fact that certain colleges are chosen for campus interviews only to boost up the image of the concerned college and for admitting more students, as more than 500 colleges are located within Tamil Nadu?
- vii. Whether Anna University is aware of this kind of allegations made against the Multi National Companies and the Engineering Colleges?

11. Thereafter, by an another order dated 20.11.2017, another set of four queries were framed, which reads as under:-

- i. What is the necessity for 3291 Engineering Colleges in India, especially, when employment opportunities are bleak for Engineering Graduates?
- ii. Whether the Central Government has taken a policy to fix the upper limit with regard to the number of Engineering Colleges as Engineering Graduates are unemployable and are applying for menial jobs like sweepers, scavengers, Office Assistants, Courier boys, Waiters in Restaurants, etc?
- iii. Why the Central Government has not taken into consideration the number of Engineering Colleges and unemployment among Engineering Graduates?
- iv. What are the remedial measures, which the Central Government and the State Government have to take to prevent the situation from getting aggravated?

12. It is stated that all students are studying the same



syllabus and paying the same fees for studying in different engineering courses but are not getting equal opportunity in placement in these Software Companies.

13. It is submitted that opportunities are being denied to poor students coming from rural background and from colleges situated in smaller towns. It is submitted that the eighth to twelfth respondents and fourteenth to nineteenth respondents companies visit only the selected colleges situated in urban areas and were recruiting only students from these colleges and therefore other students were denied of opportunities of being recruited through campus recruitment.

14. It is submitted that the Government was doling out subsidies, concessions, incentives and facilities to these software MNC companies to bring industrial growth in the State. Since the Government was spending major portion of its revenue for the growth of the software industry and this was only job opportunity for the educated and engineering graduate, it is for them to give equal opportunity to the graduates who have equal and identical qualification.

15. It is further submits that the member of the sixth and seventh respondents including the eighth to twelfth respondents and others conduct campus recruitments only in few 50 selected colleges in the State and thus students from the other colleges



are deprived of a fair opportunity of being employed after their graduation.

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16. It is further submitted that the talented and meritorious students studying in the Engineering Colleges located in rural areas do not get adequate opportunity of employment from the companies affiliated to the sixth and seventh respondents.

17. It is also submitted that the fourth respondent and members of the sixth and seventh respondents companies jointly conduct the recruitment and select students only from the selected colleges, the sixth and seventh respondents most particularly among with these software companies conduct the recruitment only in the selected 50 Colleges and deemed Universities and conduct TNSLPP only for the name sake.

18. It is also submitted that for attending TNSLPP, the students have to further pay a registration fee of Rs.750/-. The selected students in TNSLPP need not attend the test/interviews conducted by it. This is not in the case of campus recruitment in the selected 50 Colleges.

19. The fifth respondent in its counter has stated that with a view to facilitate the students of Anna University and as well



as the benefit of passing out of the students from Engineering Colleges, the Tamil Nadu State Level Placement Programme was devised to get them employed through job placement.

20. It was submitted that Centre for University Industry Collaboration was established in the year 1991 in Anna University. Campus placement and internships are regularly arranged every year and more than 4500 students belonging to UG/PG programmes benefit from such programme.

21. It is submitted that every year, more than 200 companies including the respondents companies from India and abroad, visit the academic portals of Anna University for their recruitment requirement.

22. The campus placement offers three kinds of jobs, namely Core, IT (Information Technology) and ITES for the students which covers 95% of the Anna University. It is submitted that the fourth respondent herein Centre for University - Industry Collaboration (CUIC) also conducts the Tamil Nadu State Level Placement Programme for the benefit of all the Engineering Colleges affiliated to it and that from inception of fourth respondent has helped more than 15169 students under the Tamil Nadu State Level Placement Programme (TNSLPP).



23. It is stated that the programme enables meritorious students studying in the affiliated engineering colleges to participate in the Campus recruitments in the software company.

24. In the Counter, the fourth and fifth respondents have further stated that the eligibility criteria and the selection process for TNSLPP are purely stipulated by the companies intending to recruit students passing out from each of the colleges and hence the fourth and fifth respondents do not have any role except to facilitate such process.

25. It is further stated that this satisfies the social objective, 'one man one job' policy adopted by the fourth respondent. The method of conducting zonal wise TNSLPP recruitment eases out the travel related constraints of the participating students and the recruitment process of the organizations are based on the requirements of the organizations. Some of these respondents have also filed an affidavit in response to the order of this Court.

26. It is further stated that in facilitating campus recruitment and organizing, Tamil Nadu State Level Placement Programme (TNSLPP) was only a service offered to the student community studying in the engineering colleges in Tamil Nadu.



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27. In response to the representation of the petitioner dated 09.09.2016, the Nodal Officer of Directorate of Technical Education, Chennai in his Memorandum No.L.Dis.64528/Y4/2016 dated 24.11.2016 has replied as under:-

'all companies will conduct written test to screen the students before shortlisting for campus interviews. Since, the companies are to absorb the candidates to work with the companies, will expect certain quality from the candidates, as well they are to ascertain the infrastructure facilities available in the colleges, educational qualification of the faculties available in the colleges, number of faculties with P.D., number of Government and private projects are being available in the college, number of funding organization, funded ongoing project if any., in the college, and finally the accreditation status of the college. Only when all these or some of the important criteria satisfied then only the companies will prefer the students from those college for campus interview. Further, it is stated that the Anna University is conducting common campus interview for all the Engineering College students in Tamil Nadu and as such those students will be absorbed in the companies without any hassle.'

28. On behalf of the sixth and seventh respondents, it was submitted that they have not violated the constitutional provisions or any statutes or Government guidelines. It is submitted that their role was limited to encourage and assist in a balanced development in the software industry to take the Indian Software to global eminence, to promote healthy trade practices amongst the software industry, to promote and disseminate useful knowledge on Information Technology in



software industry and to act as an information centre for members of the association, to carry out research work relating to software profession, to edit and publish journals and materials relating to software profession, to enlist the services of experts and arrange for expert advice and to arrange foreign visits to promote the interest of Indian Industry etc.

29. It is submitted on behalf of the sixth and seventh respondents that they did not conduct any survey with the focus on employability of engineering graduates, in the State of Tamil Nadu and they have coordinated the study Perspective 2020 with Mckinsey regarding the outlook for the Business where employability is also mentioned as a factor to enhance the business with the India perspective.

30. The ninth respondent in its counter has stated that the Writ Petition is totally misconceived. It is submitted that there cannot be any restrictions or it can be forced to participate in the campus recruitment and the campus recruitment was purely based on the skill test of the student and therefore depending upon the colleges, different set of criteria has been prescribed.

31. It is submitted that the fourteenth respondent who has been impleaded in this Writ Petition has merely supported the



cause of the petitioner. It is submitted that the ninth respondent has also recruited the students through TNSLPP. It relies criteria for recruitment including its accreditation standards for the colleges and other criteria and it is for the colleges to satisfy the requirements. It is submitted that this Writ Petition is not maintainable and prayed for dismissal of this Writ Petition.

32. It is submitted that the ninth respondent is not governed by any law and as far as the recruitments are concerned, it is entitled to set the standards which would meet their requirements in the global competition in the software industry. It is submitted that the petitioner's daughter was studying in the second year at the time of filing of this Writ Petition and name of the college has also not been specified. It is submitted that the petitioner has never sent any representations to the ninth respondent.



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33. The learned counsel for the tenth and eleventh respondents submitted that the students from the colleges affiliated to Anna University in the rural area have also been recruited. The reference was made to the decision of the Division Bench of this Court in M.Palanimuthu, Advocate Vs. The Secretary to Government, Ministry of Defence, New Delhi and Others, (2015) SCC OnLine Mad 7861, wherein, in Paragraph Nos.23 and 24, it has been held as follows:-

23. In the light of the above discussion, we hold that the method of campus recruitment has been in vogue for over a decade, and the process has worked well and there has been no complaint by any candidate. Premier education institutions like IIT have certified that students have to undergo rigorous test and interview process conducted by the recruiting organisation to be successful. That apart the student community have been appreciative of such process. Furthermore, it is not as if all vacancies are filled up by campus recruitment. We fully endorse the stand taken by the public undertakings that in a present day scenario they have to compete with multinational private companies and other public sector units and get the best talent and one such method which has been time tested is to go to the place (institution) where talent pool is available. The principle appears to be "catch them early". We find nothing arbitrary or unreasonable nor does it in any manner infringes or impinges into any of the Constitutional guarantees.

24. For all the above reasons we hold that the prayer sought for by the petitioner cannot be acceded to and the writ petition fails and it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

34. That apart, it is submitted that it is for the tenth respondent to select the colleges for campus recruitment



interview based on the parameters which would meet their requirements.

35. With regard to the criteria, the said college should be affiliated to the recognized University and campus interviews will be conducted only in colleges based on the Admission Criteria, Students Faculty Ratio, Academic Excellence, Infrastructure Facilities, Industry Exchange Programs. It is submitted that the Colleges should meet the said criteria.

36. On behalf of the eleventh respondent, it is submitted that this Writ Petition was ambiguous. It is submitted that the eleventh respondent did not come within the purview of Article 12 of the Constitution of India as it was not performing any public duty be amenable to the jurisdiction of the Court under Article 226 of the Constitution of India.

37. It is submitted that the eleventh respondent was not running on the State funding or was discharging public duty or there was any positive obligations of public nature or was under statutory liability to discharge any function under any "statute" so as to compel the said respondent to perform any statutory function. Therefore, this Writ Petition was liable to be dismissed.



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38. On behalf of the fourteenth respondent, the learned counsel submits that 500 private Engineering Colleges, 10 Government colleges, 10 Anna University constituent colleges, one NIT and an IIT are there in Tamil Nadu. From these colleges, around 3 lakhs engineers pass out every year. It is further submitted that all engineering colleges and deemed to be universities have necessary infrastructure, faculty and other facilities so all are approved by AICTE.

39. The fourteenth respondent states that Private Companies have prescribed different yardsticks for different colleges for campus recruitment. Reference was made to Tamil Nadu State Level Placement Programme of 2010 by the tenth respondent to demonstrate all the students who passed out from P.S.N.A.College of Engineering & Technology.

40. The mandatory recruitment for the students to participate in the campus recruitment was an average of 60% or above, whereas, the students who passed out of Vivekananda Educational Institutions for Women, the average fixed was 65% to participate in the Tamil Nadu State Level Placement Programme. Similarly, it was further submitted that for the year 2013-2014, for Kongunadu College of Engineering & Technology, Namakkal, a student should have secured an average of 70% to participate in the Tamil Nadu State Level Placement Programme.



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41. On behalf of the fourteenth respondent, it was submitted that the companies recruit the students of all branches in some colleges while in some other colleges only particular branches like IT, Computer Science leaving Textile Technology, Civil, Aeronautical, Engineering students. This eligibility criteria changes from college to college.

42. The eligibility mark also differs from Institution to Institution. Equals are not treated equally. There is discrimination in opportunity. Equal job opportunity is not given to all students. Interview process is in not transparent and hones. The newspaper report says that corruption, cheating and malpractices are usual in the recruitment process of MNC companies.

43. It is also submitted that this is against Article 38 of the Constitution of India. Under Article 38 of the Constitution of India, equal opportunity is to be given to equals. Inequality in job opportunity leads to many social evils like collection of huge capitation fees by some colleges. Because of lack of opportunity bright jobless young engineers get only poor paid jobs like clerk, security, office Assistant etc. Frustrated Engineering graduates become anti-social elements and commit offences like theft, robbery, making of counter felt money etc.



46. The TNSLPP was intended to tap the young talents by obviating the students passing out colleges affiliated with fourth respondent Anna University. Private companies cannot be forced to recruit students who pass out of various colleges whether affiliated or not affiliated with the fourth respondent Anna University if the colleges do not satisfy their requirement.



47. There cannot be any compulsion on private companies to come for campus recruitment and to have a uniform recruitment policy in the State. After, all are competing with each other in the global competition. They have to fall on their reserves and resources in the times of crisis unlike State run PSU's where the State may bail them out in the event of any financial crisis.

48. These private companies are not dependent on the bounties of the State. They are to depend only on the skills of the workforce, demand and supply in the capital world. They have to survive by themselves in the market. Therefore, they cannot be forced to a particular method of recruitment in the market free economy in which they survive and attempt to thrive.

49. In my view, these companies cannot be compelled to recruit students passing out of Institutions which do not meet their requirement. Therefore, this Writ Petition is liable to be dismissed.

50. At the same time, the fact that these private companies do not show direct interest in the students passing out of several engineering colleges which have mushroomed in the State does reflect the malaise which plagues the education system.

51. Students like petitioner's daughter may be at a



disadvantage. They may not get the head start like students passing out of some of the colleges affiliated with the fourth respondent Anna University.

52. Therefore, unless these students upgrade themselves with some PG courses from colleges affiliated with the fourth respondent Anna University or any other prestigious Universities, their chances of being recruited through a campus recruitments of the private companies are remote.

53. Over a period of time, the State has relegated itself to be a mere regulator in the field of education. It has instead allowed private entrepreneurs to set up private schools and colleges and deemed universities.

54. The number of private engineering colleges and other professional colleges which have mushroomed in the last three decades in the country are phenomenal and the State of Tamil Nadu is no exception as compared to the number of new colleges opened by the State.

55. Only few premier institutions which were started by the State in the early 1960's and 1970's have continued to remain intact. Their numbers have not increased in proportion with the increase in the number of students who pass out every year from



schools.

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56. Some of the private colleges have achieved the tag and status of a center for excellence while some lag behind. This has resulted in indirect lack of equal opportunity to students especially who are forced to study in different professional colleges and educational institutions which may not have same recognizing as others. Despite the students paying higher fees to be educated, their struggle often goes unnoticed. Privatization of education has partially led to commodification of education.

57. Privatization of education has resulted in an artificial demand and supply. Private educational institutions are by and large naturally driven by profit motive. Only few established under charitable trust exist without profit at sight. However, they tend to benefit the trustees and their family members.

58. Private colleges/educational institutions cannot sustain themselves with altruistic and pure charitable motive considering the expenses that are to be involved in setting up these colleges and institutions which therefore spirals the cost of education.



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59. Since private colleges/educational institutions have limited resources, the State can perhaps fill this gap to uplift the quality of education by providing quality education and making it available to all who desire to be educated. State should reclaim its role as a primary provider of quality education by increasing the number of premier education institutions so that there is real equality of opportunity to all.

60. This Writ Petition stands dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Secretary,
Ministry of Higher Education,
Secretariat, Chennai - 600 009.
3. The Secretary,
Information Technology Department,
Government of Tamilnadu,
Chennai - 600 009.



4. The Director,
Centre for University Industry Collaboration,
Anna University, Sadar Patel Road,
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5. The Registrar,
Anna University, Chennai.
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The All India Council for Technical Education,
New Delhi.
7. The President,
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No.57, 11th Main Road, AE-Block,
Anna Nagar East, Chennai - 600 040.
8. Education Promotion Society for India,
DTJ 504, 5th Floor, DLF Tower-B,
Jasola (Near Indraprastha Apollo Hospital),
New Delhi - 110 025.
9. The Secretary,
The Union of India,
Ministry of Human Resources Development,
New Delhi.
10. The Registrar,
The Council of Architecture,
India Habitat Centre,
Core 6A, I Floor, Lodhi Road,
New Delhi - 110 003.

+1cc to Mr.K.K.Ramakrishnan, Advocate, S.R.No.26550
+1cc to the Special Government Pleader, S.R.No.26330
+1cc to Mr.R.Natarajan, Advocate, S.R.No.26482
+1cc to Mr.N.Umapathi, Advocate, S.R.No.26112
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.26182
+1cc to Mr.G.Balasubramanian, Advocate, S.R.No.26036
+3ccs to M/S.King and Partridge, Advocates, S.R.No.25916
+1cc to Mr.A.Sheik Peer, Advocate, S.R.No.25813
+1cc to Mr.Vinod Kumar, Advocate, S.R.No.25808
+1cc to Mr.S.Ramasubramanian, Advocate, S.R.No.25837

Pre- Delivery order
in



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W.P.No.7165 of 2017 and
W.M.P.Nos.7790 of 2017
& 14894 of 2018

GPL (CO)
SU (16/07/2021)