



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. (MD)No.17499 of 2020**

**and**

**W.M.P. (MD)No.14647 of 2020**

P.Marino Ram

... Petitioner

-Vs-

1.The District Collector,  
Madurai District,  
Madurai.

2.The Revenue Divisional Officer,  
Madurai North Taluk,  
Madurai District.

3.The Director,  
Indian Maritime University,  
ECR Road, Uthandi,  
Chennai - 600 019.

4.The Deputy Registrar (Academic),  
Indian Maritime University,  
ECR Road, Uthandi,  
Chennai - 600 019.

5.The Campus Director,  
Indian Maritime University,  
Visagapattinam - 531 035,  
Andrapradesh.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 5<sup>th</sup> respondent to admit the petitioner in B.Tech., Naval Architecture Course under the ST Category on the basis of the petitioner's representation dated 02.11.2020 on Indian Constitution Law Article 21 not to be violate and otherwise the petitioner would be put to irreparable loss the petitioner's studies and grave hardship.



For Respondents : Mrs.S.Srimathy,  
Special Government Pleader for R1 & R2  
Mrs.L.Victoria Gowri,  
Addl. Solicitor General of India for R3 to R5

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**ORDER**

Heard the petitioner in person, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Solicitor General appearing for the respondents 3 to 5.

2.The petitioner applied for B.Tech., Naval Architecture and Ocean Engineering Course for the academic year 2020-2021. The petitioner applied under reserved category. According to the petitioner, he belongs kattunayagan community, which is notified as scheduled tribe community. The petitioner had substantially remitted fees. However, the petitioner could be allotted a seat because he could not produce the community certificate. That led to the filing of the present writ petition.

3.The case of the petitioner is that he had also moved the authorities in this regard. But then, when the matter was taken up for hearing, the learned Special Government Pleader informed the Court that the petitioner's request was already rejected by the second respondent and a copy of the rejection order also served on the petitioner. The petitioner has since availed the appeal remedy before the first respondent. The petitioner's appeal is pending before the first respondent.

4.Now the questions that arises for my consideration is whether the petitioner can be directed to be admitted subject to his obtaining a community certificate. I am afraid that I cannot give such a direction. This is for more than one reason. The learned Additional Solicitor General would inform the Court that all the seats have already been filled up. I cannot fault the management of the university. The petitioner has been clearly informed that at the time of certificate verification, he must bring all the certificates concerned. Such a communication was issued to the petitioner way back in October 2020 itself. The academic authorities cannot be expected to wait till the petitioner produces such certificate. That apart, the petitioner's fate cannot be kept uncertain. If after the petitioner joins the university, his request is rejected by the appellate authority, then the petitioner will have to exit and a seat will also go vacant. This Court cannot contemplate such a consequence. The first respondent is directed to dispose of the petitioner's appeal on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Since the petitioner's seat have already been filled up, the respondents 3 to 5 are directed to refund the payment made by the petitioner to the petitioner.



5.With this direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar (RTI Act)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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**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:-

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- 5.The Campus Director,  
Indian Maritime University,  
Visagapattinam - 531 035,  
Andrapradesh.

+2cc to Mr.P.MARINO RAM ,Party in Person, SR No.980

+1 CC to M/s.GP ( SR-936[F] dated 18/01/2021 )

**W.P. (MD)No.17499 of 2020**  
**08.01.2021**

mj (CO)

KK(02.02.2021) 3P 9C