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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) .No.17229 of 2020

and

W.M.P. (MD) .Nos.14419 to 14421 & 14423 of 2020

Minor M.Arunsankar,
S/o.P.Murugan,
Door No.38, Perekinspuram 5th Street,
Aruppukottai,
Virudhunagar 626 101
Tamil Nadu
Rep. by father and natural guardian
P.Murugan

... Petitioner

Vs

1.The Dean (Agriculture) & Chairman (Admission)
The Tamil Nadu Agricultural University
Under Graduate Admission 2020
Coimbatore 641 003.

2.The Vice Chancellor,
The Tamil Nadu Agricultural University
Coimbatore 641 003.

3.The Secretary & Agricultural Production Commissioner,
Secretariat,
Chennai 600 009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned revised schedule for Undergraduate Admission 2020 published by the respondents University in so far as counselling dated 01.12.2020 (Tuesday) pertaining to vocational category omitting Special Category of "Descendants of Freedom Fighters" quash the same and consequently direct the respondents herein to consider the petitioner herein for admission into B.Sc., (hons) Agriculture in the respondents University under the Special Category of "Descendants of Freedom Fighters" as notified and contained in the brochure for UG Admission 2020-21 as per the rank list published by the respondents therefor.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.K.Appadurai



For Respondents : Mr.A.Thirumurthy (for R1 & R2)
Mr.Vijay Narayan
Advocate General
Assisted by
Mr.M.Muthugeethaiyan
Special Government Pleader

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ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J**)

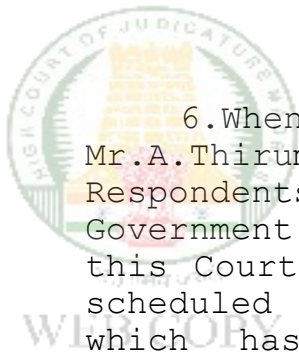
The petitioner is one of the descendants of freedom fighter Veera Pandia Kattabomman, who was hanged to death by the British administration. The petitioner's mother Durai Kannammal is the daughter of Somasundara Katta Bommuthurai, who was the direct legal heir of Veera Pandia Kattabomman. In this regard, the Tahsildar, Kamuthi Taluk also issued a legal heir certificate on 12.12.2011.

2.The petitioner completed Higher Secondary Course and secured 544 marks out of 600 in the public examination held in March 2020 and applied for B.Sc., (hons) Agri., under the special category of "Descendants of Freedom Fighters" as per the UG Admission Information Brochure 2020-21.

3.Out of 99 total seats, one seat has been reserved for "Descendants of Freedom Fighters". The respondent published rank list which contains names of 7 candidates and the petitioner secured second rank in that category. The counselling for special category was fixed from 30.11.2020 to 01.12.2020 and email was sent to the petitioner, directing him to attend TNAU UG online counselling 2020.

4.Since Ms.Rithi.V.P. who is the first rank holder in the above list is said to have secured M.B.B.S., seat, thereby the petitioner got the chance of getting that special category seat under the "Descendants of Freedom Fighters".

5.When things stand so, the respondent issued revised schedule for counselling omitting the special category of "Descendants of Freedom Fighters" and substituted therein vocational category fixing the date of counselling as 01.12.2020, unilaterally, depriving the petitioner in getting admission under the special category. Therefore, the petitioner has come before this Court challenging the revised schedule for UG Admission 2020 published by the respondent University, pertaining to the vocational category, omitting special category of "Descendants of Freedom Fighters" and consequently to direct the respondents to admit the petitioner into B.Sc., (hons) Agriculture in the respondent University as per the original brochure for UG Admission 2020-21.



6. When the matter came up for admission on 27.11.2020, Mr.A.Thirumurthy, learned counsel took notice on behalf of Respondents 1 & 2 and Mr.M.Muthugeethaiyan, learned Special Government Pleader took notice on behalf of the 3rd respondent and this Court posted the matter on 30.11.2020, as the Counselling was scheduled to be conducted on 01.12.2020 for vocational category, which has been included, deleting the special category of "Descendants of Freedom Fighters".

7. Mr. Prabhu Rajadurai, learned counsel appearing for the petitioner would submit that the respondents are not justified in unilaterally deleting the special reservation for "Descendants of Freedom Fighters", especially when brochure speaks about the special reservation and rank list including above said category was also issued. Further the petitioner was directed to appear for online counselling by virtue of email, which was to be conducted from 30.11.2020 to 01.12.2020. In the process of admission, the respondents have got no right to unilaterally delete the benefit given to the petitioner and similarly placed persons under the special reservation. Hence, he seeks quashing of the portion of the revised counselling schedule and direction to the respondents to admit the petitioner.

8. On 30.11.2020, Mr. Vijay Narayan, learned Advocate General appearing for the 3rd respondent would submit that the special reservation for "Descendants of Freedom Fighters" has been omitted pursuant to the order passed by this Court in W.P.No.23104 of 2014 on 10.10.2014 and G.O.(Ms).No.250 Agriculture (AU) Department dated 29.10.2020 was issued deleting the special reservation for "Descendants of Freedom Fighters". He produced the aforesaid G.O., as well as a letter of the Dean (Agri), TNAU, Coimbatore dated 26.11.2020, wherein it has been stated that the seat allotted under freedom fighters quota does not find place in G.O.(Ms).No.250 Agriculture (AU) Department dated 29.10.2020. He would further submit that this year only, the deletion took effect by virtue of the said G.O., and the respondents have rightly deleted the special reservation for the "Descendants of Freedom Fighters" in compliance of this Court order. The Higher Education department has already deleted this special reservation for "Descendants of Freedom Fighters" through G.O.(Ms).No.222, Higher Education (J1) Department, dated 07.08.2017. Hence, he justified the deletion.

9. Mr.A.Thirumurthy, learned counsel appearing for respondents 1 and 2 would adopt the argument of the learned Advocate General.

10. Heard the parties and perused the records. It is stated in the brochure viz., UG Admission Information 2020-21, as to how the admission would be conducted. 2.2.2 of the brochure occurring at page No.14 of 64 page UG Admission brochure speaks about special reservation. In the said category differently abled, ex-service <https://www.cerisc.gov.in/services/> of Freedom Fighters, eminent sports persons are all



included. Special reservation paragraph 1 is extracted as follows:

"2.2.2 Special Reservations

Certain number of seats is also reserved for the following categories, as prescribed by the Government of Tamil Nadu G.O. Ms. No. 167 dt. 25.4.2008. A separate certificate with necessary details issued by the competent authority concerned has to be uploaded during online application process and compulsorily produced at the time of certificate verification, which will be intimated later. A special processing fee of Rs.100/- is included with online application fee."

and 2.2.2.3. of brochure states about "Descendants of Freedom Fighters" which reads as follows:

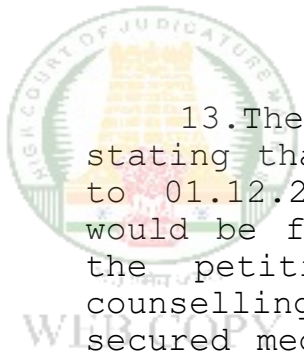
"2.2.2.3. Descendants of Freedom Fighter

One Seat is reserved in B.Sc.(Hons.) Agriculture for the children of freedom fighters. The applicants should fulfill all qualifying requirements. Candidates have to produce Appendix IVa and necessary certificate issued by the Tahsildar of the respective Taluk (Appendix IVB)."

11. Based on the information contained in the brochure published by the respondents, the petitioner acted upon and applied for admission to B.Sc., (Agri.,) course under the special reservation meant for "Descendants of Freedom Fighters". The petitioner applied for admission along with the certificate issued by the Tahsildar, Kamuthi, dated 12.12.2011 stating that the petitioner is a descendant of Veera Pandia Kattabomman. The petitioner submitted his online application and the respondent sent a reply via email, confirming the submission of online application on 15.08.2020 and confirming the payment of counselling fee.

12. The respondents published rank list including the special category viz., descendants of freedom fighters. The following list would show that the petitioner has been ranked No.2.

Rank	Registration No.	Name	Aggregate Marks
1.	116517607	Rithi V.P.	192.00
2.	114380234	Arunsankar M	178.00
3.	104300838	Yuvaraj R.P.	175.00
4.	105481612	Nuthana P.K	168.00
5.	111167319	Vanathi Adhirai S	161.00
6.	106585534	Vidhya Sagar P.	147.50
7.	104552405	Krishnaraj S.	99.50



13.The respondents caused paper publication on 20.11.2020 stating that the general counselling would be held from 26.11.2020 to 01.12.2020 and for special reservation category, counselling would be from 30.11.2020 to 01.12.2020 and email was also sent to the petitioner directing him to attend the TNAU UG online counselling 2020. Since Ms.Rithi V.P., who was ranked first has secured medical seat, consequently, the petitioner had to be given the seat meant for special reservation as he stood second in the rank list under special category. However, the respondents unilaterally deleted the special category of reservation meant for descendants of freedom fighters itself and vocation category was given that seat.

14.First of all, based on the promise of the respondents that one seat was reserved for descendants of freedom fighters, the petitioner acted upon and obtained certificate from the Tahsildar in this regard and applied for the said seat as per the brochure. The promise made by the respondents cannot be unilaterally altered and the respondents are bound by promissory estoppel. The respondents have got no right to unilaterally revise the brochure by deleting the special category seat.

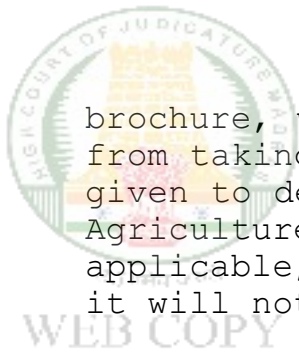
15.The respondents though relied upon the judgment of this court passed in W.P.No.23104 of 2014 dated 10.10.2014, where in this Court opined that the quota made for children of freedom fighters should be removed from the prospectus in future years, since no such person had been available in the past 15 years. Though the order has been passed on 10.10.2014 and is said to have been acted upon by the Higher Education department by issuance of G.O.(Ms).No.222, Higher Education (J1) Department, dated 07.08.2017, no such G.O., has been passed by the Agricultural department, till the rank list was published.

16.Only after the revised counselling schedule was announced, it came to be known that the special category has been deleted which is not justifiable in law as it violates the principles of natural justice.

17.On 29.10.2020 only, G.O.(Ms).No.250 Agriculture (AU) Department dated 29.10.2020 was passed deleting the special quota meant for descendants. Once the process of admission has been started and the petitioner is found to be eligible and has been ranked second, right got accrued to the petitioner and the same cannot be deleted unilaterally by the respondents and the principles of natural justice have been violated.

18.G.O.(Ms).No.250 Agriculture (AU) Department dated 29.10.2020 has been passed in the midst of admission which cannot have any impact on the admission process since the admission process has already been started by issuance of brochure by the respondents.

<https://services.eouls.gov.in/services> candidates but the respondents are also bound by the



brochure, which has been published and the respondents are estopped from taking away the special category, which has been promised to be given to descendants of freedom fighters. If at all G.O.(Ms).No.250 Agriculture (AU) Department dated 29.10.2020 could be made applicable, it could be in the next year academic year onwards and it will not be applicable to the on going admission.

19.When it was pointed out, the learned Advocate General submitted that the petitioner would be provided with a seat and therefore, there is no necessity for passing an order. Subsequently, it was informed that the petitioner was already granted admission, in view of the view taken by this Court. It is informed by the learned Advocate General that the petitioner would be provided with a seat, he could pay the fee and join the course.

20.The petitioner was granted provisional admission card on 02.12.2020 in which it is stated that the petitioner (Application Regn. No.114380234)was provisionally selected for B.Sc., (hons) Agri, at AC&RI, Coimbatore campus under the special category for descendants of freedom fighters.

21.Since the petitioner was granted seat and was allowed to pay the fee and is undergoing course, he should be allowed to complete the course. With the above observation, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed. However, it is open to the petitioner to reopen the Writ Petition, if there is any difficulty during the course of his study.

Sd/-

Assistant Registrar (CSII)

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Sub Assistant Registrar(CS)

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To

1.The Dean (Agriculture) & Chairman (Admission)
The Tamil Nadu Agricultural University
Under Graduate Admission 2020
Coimbatore 641 003.

2.The Vice Chancellor,
The Tamil Nadu Agricultural University
Coimbatore 641 003.

3.The Secretary & Agricultural Production Commissioner,
Secretariat,
Chennai 600 009.



+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-18102[F] dated 30/04/2021)

+1 CC to M/s.K.APPADURAI, Advocate (SR-18124[F] dated 30/04/2021)

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+1 CC to M/s.SPL GP (SR-18265[F] dated 30/04/2021)

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