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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25091 of 2021

B.Kanchanadevi

... Petitioner

Vs.

1. The Principal Secretary to Government,
Higher Education Department,
Secretariat,
Chennai - 9.

2. The Principal,
The Government Arts and Science,
College (Autonomous),
Coimbatore - 641 018.

3. The Head of the Department
Psychology Department,
The Government Arts and Science
College (Autonomous),
Coimbatore - 641 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in R.C.No.1209/K/2021, dated 24.11.2021 and quash the same and consequently direct the 2nd respondent to admit the petitioner in M.Sc (Psychology) Course, in the academic year 2021 - 2022.
(Prayer amended vide order dt. 09.12.2021 made in WMP.27752/2021 in WP.25091/2021.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.D.Ravichandran
Special Government Pleader
(Higher Education)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in R.C.No.1209/K/2021, dated 24.11.2021 and to quash the same and to consequently direct the second respondent to admit the petitioner in M.Sc (Psychology) Course, in the academic year 2021 - 2022.

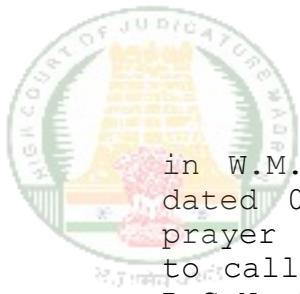


2.The case of the petitioner is that the petitioner completed SSLC during March, 1995 and Higher Secondary during March, 1997. The petitioner completed B.Sc. (Interior Design and Environment and Psychology) during the year 2000 from Avinashilingam Institute for Home Science and Higher Education for Woman at Coimbatore [hereinafter referred to as 'College'] under the faculty of Home Science Department. The said College is a deemed University established under Section 3 of the University Grants Commission Act, 1956 and the same has given Certificate that B.Sc. (Interior Design and Environment and Psychology) is eligible to do higher studies both in Interior design and Environment and Psychology.

3.The further case of the petitioner is that due to personal issues, she was not able to pursue her higher studies and now she has decided to pursue her Post Graduation. Accordingly, she applied through Tamil Nadu Government website P.G. Admissions with the second respondent College for M.Sc.(Psychology) when respondents 2 and 3 called for P.G. Admission through College website. The second respondent called the petitioner for counselling on 17.09.2021 at 9.00a.m. and the petitioner participated in the counselling. At that time the third respondent orally informed the petitioner that she will get a communication for second counselling and that she will get admission during the second counselling.

4.The further case of the petitioner is that the petitioner received communication to participate in the second counselling on 27.09.2021 at 9.00 a.m., and accordingly, she participated in the second counselling and she was made to wait for the full day and in the evening, she was orally informed that since she completed her graduation under Dual major programme, she is not entitled for M.Sc.(Psychology) admission. Since in the Admission Notification there was no prohibition issued for the Dual major students, the petitioner made representation to the respondents and also issued legal notice and since there is no response, has filed this writ petition.

5.Initially, the petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to admit the petitioner in M.Sc. (Psychology) Course with the second respondent Institution in the current academic year, based on her application No.640208. However, during the pendency of this writ petition, the second respondent vide order dated 24.11.2021 has stated that as per the admission guidelines of Tamil Nadu Government G.O.No.184, dated 06.08.2021, the eligibility condition for getting admission in to M.Sc.Psychology Programme is B.Sc.Psychology Degree (Single Major) of affiliated University studied in 10+2+3 pattern. Hence, the petitioner filed petition seeking to amend the prayer



in W.M.P.No.27752 of 2021 and as per the order of this Court dated 09.12.2021 made in the said miscellaneous petition, the prayer was amended as, to issue Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in R.C.No.1209/K/ 2021, dated 24.11.2021 and to quash the same and to consequently direct the second respondent to admit the petitioner in M.Sc (Psychology) Course, in the academic year 2021 - 2022.

6.The learned counsel appearing for the petitioner submitted that as per the prospectus of the second respondent, the eligibility for admission to M.Sc.(Psychology) is a pass in Degree with Psychology. Admittedly, the petitioner obtained B.Sc. (Interior Design and Environment and Psychology) under Dual major programme. However, the respondents relied upon the internal communication as if the members of the Government Arts College, Coimbatore, resolved that the educational qualification for admission to M.Sc.(Psychology) is a degree in Psychology under Single major programme which is contrary to the prospectus issued by the second respondent. The said stand cannot be allowed to continue.

7.The learned counsel appearing for the petitioner further submitted that even in the counter affidavit filed by the second respondent it is not stated that the petitioner is not eligible for admission to M.Sc.(Psychology), however, it is only stated that candidates with Double major like B.Sc. (Interior Design and Environment and Psychology) may apply but will be considered for admission only when all the applications from candidates who have studied B.A./ B.Sc. (Psychology) as single major subject exhausted and still vacancy exists. Such a stand is contrary to the prospectus issued by the second respondent and the same cannot be accepted. Accordingly, he prayed for allowing the writ petition.

8.The learned Additional Government Pleader appearing for the respondents submitted that admittedly, prospectus was issued by the second respondent wherein it is stated that the required educational qualification for admission to M.Sc.(Psychology) is a Degree with Psychology, however, a resolution was passed by the second respondent that the required educational qualification for admission to M.Sc.(Psychology) is a pass in B.A./ B.Sc. (Psychology) as single major subject.

9.In all fairness, the learned Additional Government Pleader appearing for the respondents submitted that it is not the case that the petitioner is not eligible for admission to M.Sc. (Psychology), however, the petitioner can be considered for admission to M.Sc.(Psychology) only after all the applications from the candidates who have studied B.A./ B.Sc. (Psychology) as



10. Heard the arguments advanced on either side and perused the entire materials placed on record.

12. Further it is stated that the second respondent has passed a resolution that the educational qualification for admission to M.Sc.(Psychology) is a degree in Psychology under Single major programme which is contrary to the prospectus issued by the second respondent. The said stand cannot be allowed to continue since the resolution is an internal communication inbetween the department which the candidates would not be aware of. The candidates know only the prospectus and based on the prospectus, they apply for the Course.

14. With the above direction, the writ petition is allowed.
No costs.

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To

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Psychology Department,
The Government Arts and Science
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+lcc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.1566

+lcc to the Government Pleader, S.R.No.2000

W.P.No.25091 of 2021

MRJK(CO)
CT 10/01/2022