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W.P.No.27512 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.27512 of 2022
and WMP.No.26745 of 2022

V.Nithila

...

Petitioner

Vs.

1.Council of Architecture, (COA),
Represented by its Registrar-Secretary,
India Habitat Centre, Core-6A, 1st Floor,
Lodhi Road, New Delhi-110 003.

2.The Commissioner,
Directorate of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai-600 025.

3.The Tamil Nadu Engineering Admissions,
Rep. By its Secretary,
Anna University, Chennai-600 025.

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records of the first respondent in the impugned Amendment to Regulation 4(1) of the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2020, published in the Official Gazette dated 30.06.2022 and quash the



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same being arbitrary, unjust and illegal and to consider the admission based on such unamended regulation prevailing earlier.

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For Petitioner : Mr.Om.Prakash, Senior Counselling
for M/s.Ramalingam and Associates
For Respondents : Mr.A.Sheik Peer for R1
Mrs.R.Anitha,
Special Govt.Pleader for R2

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The petitioner, aggrieved by the impugned Notification issued by the first respondent dated 30.06.2022, amendment to the qualification for admission to B.Arch in the Tamil Nadu Engineering admissions, in and by which prescribing dual qualification after the admission process has commenced for admission of 1st year of 5 year B.Arch Degree Course as prescribed under Regulation (4) of the Council of Architecture [Minimum Standards of Architectural Education] Regulations, 2020, for the academic session 2022-2023 has filed the present writ petition.

2. Facts the case, briefly narrated, as follows:

2.1. The petitioner is an Architecture aspirant and wanted to pursue B.Arch. after her schooling. If any candidate seeking admission in



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Architecture Course must have passed 10+2+3 years University Degree in the science group of any recognized University / Board with atleast 50% aggregate marks and is required to take up a qualifying exam known as National Aptitude Test in Architecture (NATA).

2.2. The first respondent / Council of Architecture is an autonomous statutory body constituted in terms of Section 3 of the Architects Act, 1972 and it is an apex body in the profession of Architecture, vested with powers under the Statute to formulate regulations in educational standards, by prescribing course and period of study and of practical training, subjections of examinations and the standard of professional conduct and etiquette, which shall be approved by the Central Government and published in the Gazette.

2.3. NATA exam is required for admission in State Private Colleges, recognized by Universities. If a candidate wants to get admission in Centrally Funded Technical Institutes like NIT or IIT, has to attend Joint Entrance Examination [JEE]. The first respondent, vide Notification dated



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12.03.2022 announced that NATA -2022 shall be conducted thrice for the year 2022 and the dates were fixed on 12.06.2022, 03.07.2022 and 24.07.2022. According to the petitioner, in the very same notification it was mentioned that candidates need to qualify in NATA for admission into B.Arch Course at approved architectural institutions in the country, “except at CFTIs which admits students based on JEE Paper 2 through CSAB.”

2.4. The first respondent made an amendment, vide Gazette Notification on 30.06.2022, making amendment to Regulation 4 of the Council of Architecture [Minimum Standards of Architectural Education] Regulations, 2020, which reads as under:

(1) No candidate shall be admitted to architecture course unless she/he has passed 10+2 scheme of examination with Physics, Chemistry & Mathematics subjects, or passed 10+3 Diploma Examination with Mathematics as compulsory subject.

(2) The candidate needs to qualify an aptitude test in architecture conducted either by NTA (i.e., JEE) or ‘NATA’ conducted by the Council of Architecture.”

2.5. According to the petitioner, the aforesaid amendment makes a



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candidate who has written the aptitude test conducted by NTA i.e., JEE eligible to apply for SFTIs (State Funded Technical Institutes) as opposed to only CFTIs (Centrally Funded Technical Institutes) and the same strongly prejudices the position of candidate like the petitioner. According to the petitioner, if JEE is also considered as qualification, there is no need for NATA and JEE can be universally applied and the exam pattern, syllabus and marks awarded differ in both exams and as such, both cannot be treated as equals. Challenging the aforesaid amendment notification issued by the first respondent dated 30.06.2022, the petitioner has filed the instant writ petition.

3. Mr.Om.Prakash, learned Senior Counsel for the petitioner contended that the first respondent seeking to implement the amendment to Regulation 4(1) of the Council of Agriculture (Minimum Standards of Architectural Education) Regulations, 2020 by notification dated 30.06.2022 and published on 16.07.2022, is arbitrary, contrary to the Statute and untenable in law, as the implementation of the said amendment would cause serious prejudice to all the candidates especially NATA candidates as



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JEE candidates will be considered for both CFTIs and SFTIs, whereas NATA candidates will only be considered for SFTIs, which after the amendment has become a small fraction than originally available. It is further contended by the learned Senior Counsel for the petitioner that the last date of submission of JEE application for admission into B.Arch was 30.06.2022, on the same day the gazette notification was published bringing the aforesaid amendment, which is a clear afterthought and planning done by the first respondent and the aforesaid amendment being implemented after the close of the academic year and on the last date of submission of application amounts to changing the rule of the game in the midway, which is impermissible and prays for interference.

4. Mrs.R.Anitha, Special Government Pleader for the second respondent, on instructions, submitted that the petitioner applied for B.Arch admission through online and she participated in the exams on 12.06.2022 and 07.07.2022 and she has appeared for both NATA and JEE and the marks obtained by the petitioner is as follows:



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NATA -I = 107/200
NATA -II = 121/200
JEE = 90.75 / 200

Rank = 141

As per the stipulation, the marks obtained both in NATA and JEE may be taken and the better of the two will be considered for ranking and as such, better score obtained by the petitioner in NATA i.e., 121/200 has been considered and accordingly, the petitioner got the rank of 141 and also got tentative allotment order dated 13.10.2022 for being admitted B.Arch., at Measi Academy of Architecture, Chennai and waited for upward movement till 20.10.2022. As there was no progress in the upward movement for the petitioner, presently the Provisional Allotment Order at MEASI Academy of Architecture, Chennai is confirmed and issued accordingly.

5. Heard Mr.A.Sheik Peer, learned counsel for the first respondent, and also perused the materials on record.

6. The point for consideration is whether the amendment made by the



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first respondent vide, Gazette Notification dated 30.06.2022 is sustainable in law?

7. The first respondent, issued a Public Notice dated 12.03.2022, announcing that National Aptitude Test in Architecture (NATA) 2022 shall be conducted by the Council thrice for the year 2022 and the tests shall be conducted on 12.06.2022, 03.07.2022 and 24.07.2022 respectively in two sessions each. As per Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2020, all candidates need to qualify an Aptitude Test conducted by the Council (i.e., NATA) for admission into 1st year of 5 year B.Arch., degree course at approved architectural institutions in the country (except at CFTIs which admit students based on JEE Paper 2 through CSAB).

8. The first respondent, in exercise of powers conferred by Clauses (e), (g), (h) and (j) of sub-section (2) of Section 45 read with Section 2 of the Architects Act, 1972 (20 of 1972), with the approval of the Central Government, issued a Gazette Notification dated 30.06.2022, making the



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following regulation to further amend the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2020, the same having been published in the Gazette of India, Part-III Section 4 dated 11.08.2020, namely,

“1.(1) These Regulations may be called the Council of Architecture (Minimum Standards of Architectural Education) (Amendment) Regulations, 2022.

(2) They shall come into force from the date of this publication in the official Gazette, and shall be applicable for the academic session only as a one-time measure and thereafter, the original Regulations as notified in the Gazette on 11.08.2020 shall be in force.

2. In the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2020, in Regulation 4 for sub-regulation (1) and sub-regulation (2), the following sub-regulations shall be substituted, namely:-

“(1) No candidate shall be admitted of architecture course unless she/he has passed an examination at the end of the 10+2 Scheme of Examination with Physics, Chemistry & Mathematics subjects or passed 10+2 Diploma Examination with Mathematics as compulsory subject.”

“(2). *The candidate needs to qualify an aptitude test in architecture conducted either by NTA (i.e., JEE) or “NATA” conducted by the Council of Architecture.*”

9. The primordial contention of the petitioner is that in view of the



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aforesaid amendment, serious prejudice is caused to candidates like the petitioner, especially the NATA candidates, as JEE candidates will be considered for both CFTIs and SFTIs, whereas NATA candidates will only be considered for SFTIs.

10. According to the respondents, the first respondent, vide communication dated 16.07.2022, has issued a Circular granting relaxation in B.Arch, Eligibility Criteria for the academic sessions 2022-2023. It is stated in the said Circular that in view of the threat of Pandemic Covid-19, the Council with the approval of the Central Government has decided to relax the eligibility for admission to 1st year of 5 year B.Arch Degree Course as prescribed under Regulation 4(1) of the Council of Architecture (Minimum Standards of Architectural Education) Regulations 2020, for the academic sessions 2022-2023 and the above relaxation shall be valid for the academic session 2022-2023 only, irrespective of the year in which a candidate has passed 10+2 or 10+3 examination.

11. The Hon'ble Supreme Court in a catena of decisions held that the



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Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience in day-to-day working of educational institutions and the departments controlling them..” It is also trite law that in academic matters, unless there is a clear violation of statutory provisions, the Regulations or the Notification issued, the Courts shall keep their hands off since those issues fall within the domain of the experts. The Court shall not generally sit in appeal over the opinion expressed by expert academic bodies and normally it is wise and safe for the Courts to leave the decision of academic experts who are more familiar with the problem they face, than the Courts generally are.

12. In the case on hand, the first respondent / Council of Architecture, as an expert body, has been entrusted with the duty to take steps as it may think fit for the determination and maintenance of standards of examination for getting admission in B.Arch Course. For attaining the said standards, it is open to the first respondent to lay down any "qualifying criteria", which



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has a rational nexus to the object to be achieved, that is for maintenance of standards of education. In exercise of powers conferred under the Statute, the first respondent, being the academic authority, has prescribed the eligibility criteria of NATA and JEE, both are eligible for being considered for B.Arch., admission by way of amendment dated 30.06.2022.

13. Admittedly, the petitioner applied for B.Arch admission through online and he participated in the exams on 12.06.2022 and 07.07.2022 and she has appeared for both NATA and JEE and secured 141st Rank and tentative allotment order dated 13.10.2022 for being admitted B.Arch., at Measi Academy of Architecture, Chennai and waited for upward movement till 20.10.2022 and since there was no progress in the upward movement for the petitioner, presently the Provisional Allotment Order at MEASI Academy of Architecture, Chennai is confirmed and issued accordingly.

14. It is also a settled legal position that a candidate after participating in the selection process of taking the entrance examination and the counselling process cannot turn around and challenge the same and the



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candidate thus waived of the right to challenge the said counselling procedure once having taken the said examination. It would be relevant here to refer to the judgment of the Hon'ble Apex Court in the case of ***Dhananjay Malik v. State of Uttaranchal [(2008) 4 SCC 171]***, which has reiterated the said legal position in the following words:

“In the present case, as already pointed out, the writ petitioners – respondents herein participated in the selection process without any demur; they are estopped from complaining that the selection process was not in accordance with the Rules. If they think that the advertisement and selection process were not in accordance with the Rules they could have challenged the advertisement and selection process without participating in the selection process. This has not been done.”

15. In the case on hand, the petitioner having participated in the admission process for B.Arch., by submitting application through online and appeared for both NATA and JEE examinations and provisionally selected to B.Arch., Course, cannot turn around and challenge the amendment made to the notification, in the light of the decision cited supra. This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, does not find any arbitrariness or malafide in the



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impugned amendment notification issued by the first respondent and finds no reason to interfere with the same in the light of the well settled legal position.

16. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

[T.R., ACJ.,] [D.K.K., J.]
20.10.2022

Index: Yes/No
Internet: Yes/No
Jvm

To
1.Council of Architecture, (COA),
Represented by its Registrar-Secretary,
India Habitat Centre, Core-6A, 1st Floor,
Lodhi Road, New Delhi-110 003.

2.The Commissioner,
Directorate of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai-600 025.



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3.The Secretary,
The Tamil Nadu Engineering Admissions,
Anna University, Chennai-600 025.

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