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W.P.No.29066 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29066 of 2022 and
W.M.P.No.28350 of 2022

V.Ambigapathi

... Petitioner

Vs

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidhambaram – 608 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioner for admission to the M.Sc. Agriculture Agronomy course for the academic year 2022-2023 under the ST category.

For Petitioner : Mr.N.Naganathan

For Respondent : Ms.Abisha Issac
For Mr.P.Godson Swaminathan

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider the petitioner for admission to the M.Sc. Agriculture Agronomy course for the academic year 2022-2023 under the ST category.



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2. The petitioner after completing B.Sc. (Hons.) Agriculture had applied to the respondent University for getting admission in the P.G. Programme called M.Sc. (Agriculture) in Agronomy for the academic year 2022-2023. As per the application, the certificate verification had been taken place based on the marks obtained by the candidates in the U.G. examination and according to the petitioner, he belongs to ST community and at the time of his certificate verification, the ST community was not readily available with the petitioner, therefore he seems to have secured time to produce the said certificate and once the certificates have been produced by the petitioner, now the respondent University has stated that there is no quota reserved for ST community and hence if at all the petitioner has to compete with the candidates under general category and in the general category, the petitioner since has not reached the zone of consideration, his candidature would not be considered for admission for the said course in the current year and only in that circumstances, the petitioner has moved the present writ petition.

3. Heard Mr.N.Naganathan, learned counsel appearing for the petitioner who having reiterated the aforesaid would submit that, as per the



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reservation policy of the State Government, 1% seat is to be made available for ST community.

4. If that being so, out of 30 seats available in the said course i.e. M.Sc. (Agriculture) in Agronomy atleast one seat should have been earmarked for ST community if that is allotted, the petitioner would get admission under ST category as no other eligible candidate under ST community with the marks obtained by the petitioner, according to the petitioner is available, therefore he seeks indulgence of this Court by way of mandamus.

5. Heard Ms.Abisha Issac, learned Standing Counsel appearing for the respondent University, who, pursuant to the direction given by this Court on 07.11.2022, has filed the written instructions which *inter alia* states the following:

“.... Besides, during 2020-21 a candidate belonging to ST category was given admission. Hence, considering the rules of reservation system, he is eligible to compete for the seat in the open competition category only during the current year. Accordingly, we proceeded with selection of candidates and



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published the selection list of candidates following the rules of reservation outlined by the Government of Tamil Nadu.

1. Mr.V.Ambigapathi secured a Overall Grade Point Average (OGPA) of 7.96 and subject grade point average of 7.14.

2. Out of the total 43 candidates applied in aided stream Mr.V.Ambigapathi secured 40th place and in self support stream he secured 28th rank out of 30 candidates applied.

3. As Mr.V.Ambigapathi secured very low ranking he may not fall under the zone of consideration.”

6. Relying upon this instruction, the learned Standing Counsel for the respondent University would contend that, the total seats available for the said course in the current year is only 30 and insofar as the reservation for ST candidates is concerned, since only 1% reservation is possible for ST candidates if the vacancy is 100, one seat would go to that category. Since the total vacancy i.e. seats available in the said course is only 30, once in 3 years or 4 years that means every 4th year only that kind of reservation can be possible. In this context, the learned Standing Counsel would further submit that, during the last academic year one seat was earmarked for ST candidate and was allotted. Therefore the next allotment of reservation for ST candidate i.e. one seat would be made available during the academic year 2025-2026 only.



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7. In that context, the learned Standing Counsel would further submit that, the petitioner's application can only be treated as a general candidate's and he can compete as a general candidate in both categories i.e. self aided category for which 20 seats out of 30 earmarked and self financing category for which remaining 10 seats are earmarked.

8. The learned counsel for the petitioner would also submit that, two separate set of applications were available in the aided category for filling up the 20 seats, 43 applications were received and according to the rank, the petitioner stood at 40th rank like that for self financing category, for filling up the 10 seats, 30 applications were received out of which the petitioner stood as 28th rank as per his rank based on the marks. Therefore in both the cases, he has not been even nearer to the zone of consideration, hence his candidature cannot be considered and therefore it was rejected, she contended.

9. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.



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10. As has been rightly pointed out by the learned Standing Counsel for the respondent University, since only 1% is reserved for ST candidates under the reservation policy of the State Government, that one seat would be reserved only if 100 vacancy arise. Here the total vacancy i.e. seats allotted is only 30, therefore once in 4 years i.e. every 4th year alone, such kind of allotment or reservation for ST candidate can be made and such reservation since was already made in the last academic year, the next reservation would come only in 2025-2026 before which the petitioner cannot seek that the 1% reservation should be given for this year also.

11. Insofar as the petitioner's rank is concerned, he stood as 40th rank out of 43 applicants under aided category to fill up 20 seats and he stood as 28th rank out of 30 applicants to fill up 10 seats in the self financing category.

12. Therefore, the petitioner as stated by the learned Standing Counsel for the respondent has not come even nearer to the zone of consideration i.e. cut off mark, hence under general category also the



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petitioner's candidature cannot be considered for giving admission to the said course.

13. In that view of the matter, this Court has no hesitation to hold that the petitioner has not made out any case to seek for the relief as sought for in this writ petition, hence the writ petition fails accordingly it is liable to be dismissed, therefore it is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes / No

Speaking Order : Yes / No

Sgl

To

The Registrar,
Annamalai University,
Annamalai Nagar,
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R. SURESH KUMAR, J.

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