



WEB COPY

W.P.No.17553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.17553 of 2024

and

W.M.P.Nos. 19340, 19341 & 19342 of 2024

Subashan Sundaram

.. Petitioner

VS

1.The Secretary to Government
Higher Education Department,
Fort St.George, Secretariat,
Chennai- 600 009.

2.The Director,
Directorate of College Education,
Chennai – 600 006.

3.The Principal and Chairman Loyola College (Autonomous)
NO.1, Sterling Road,
Nungambakkam, Chennai – 600 034.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned online order dated NIL passed by 3rd respondent's by rejecting the petitioner's application No. 24S1UG-006799 dated for admission to the course of B.Com (Commerce) uploaded in the official website of 3rd respondent and quash the same as arbitrary, illegal and unjust in law and consequently direct the respondents to permit the petitioner to pursue the course based upon his representation dated 26.06.2024.



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For Petitioner : Mr.M.Manimaran
For Respondents : Ms.H.Mary Sowmi Rexi for R3
Mr.D.Ravichander, SGP for R1, R2

ORDER

Read this order in continuation of and in conjunction with order dated 03.07.2024 that reads as follows:-

"Respondents seek some time to file a counter.

2. In the present case, the impugned order contains the narration 'canceled students admission'. Though it is non-speaking, Ms.Mary Sowmi Rexi, learned counsel who accepts notice for R3 states, accedes to the position put forth by the petitioner, that the cancellation is on the ground that the petitioner in the application has selected the field 'Christian – Roman Catholic (RC)'. In fact, he belongs to the Church of South India and ought to have selected the second category which is 'Christian – Others'.

3. There is no other disentitlement that is pointed out by the learned counsel. Even assuming that he belonged to Christian – Roman Catholic category, the decision in Medical Mission of South Kerala Diocese of the Church of South India V. Muhammed Rizwan and others (R.P.No.510 of 2019 in W.P.(C) No.23707 of 2018 dated 25.07.2019 is cited for the proposition that there could be no sub-category carved out within a minority category.

4. In light of the above, R3 college is directed to reserve one seat in the B.Com course for the present academic year.

5. List on 18.07.2024 at the end of admission list. Counters will be filed on or before 16.07.2024 with a copy served in advance upon the petitioner."

2. Today learned counsel confirms that the petitioner has been given a seat in B.Com (Commerce) (Shift-II) and has started attending classes from 18.07.2024.

3. In light of the prima facie case as noticed by this Court on



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03.07.2024 the petitioner would pray that the loss of attendance between 27.06.2024 and 18.07.2024 should not prejudice him in any manner. Let the petitioner ensure that he makes all efforts to be regular attendance every day. If, still, there is a shortfall in attendance, solely on account of the absence between 27.06.2024 and 18.07.2024, such shortfall will be condoned.

4. Writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petitions are closed.

22.07.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

- 1.The Secretary to Government
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Chennai- 600 009.
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DR. ANITA SUMANTH,J.

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