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W.P. No.20626/2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

| Reserved on | Pronounced on |
|-------------|---------------|
| 19.08.2024  | 22.08.2024    |

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**W.P. NO. 20626 OF 2024**

**And**

**W.M.P. NOS. 22551 & 26064 OF 2024**

Yogaraja. M.

.. Petitioner

**- Vs -**

1. The Tamil Nadu Dr. M.G.R. Medical University  
Rep. By its Registrar  
No.69, Anna Salai, Guindy  
Chennai 600 032.

2. Rehabilitation Council of India  
Rep. By its Member Secretary  
B-22, Qutub Institutional Area  
New Delhi 110 016.

3. National Institute for Empowerment of  
Persons with Multiple Disabilities (Divyangjan)  
Rep. By its Director  
ECR, Muttukadu, Kovalam (P.O.)



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Chennai 603 112.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Declaration to declare Regulation 3 of M.Phil (Clinical Psychology) Course Regulations issued by the 1<sup>st</sup> respondent inasmuch as it prescribes a “Basic Degree in Psychology B.A. or B.Sc.” for admission to M.Phil (Clinical Psychology) course as illegal and unconstitutional being contrary to the guidelines & syllabus laid down by the Rehabilitation Council of India as per the Rehabilitation Council of India Act, 1992, and consequently direct the 3<sup>rd</sup> respondent to consider the petitioner eligible for admission to the M.Phil (Clinical Psychology) course pursuant to the admission notification for the academic year 2024-2025 published by the 3<sup>rd</sup> respondent in their official website.

For Petitioner : Ms. Anna Mathew

For Respondents : Mr. A.Mohd. Gouse for R-1  
Ms.Sangeetha for R-3  
No Representation for R-2

### **ORDER**



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The notification of the 1<sup>st</sup> respondent, in and by which qualification of Psychology in both under-graduate level and post-graduate level has been prescribed by the 1<sup>st</sup> respondent in Regulation 3 of the M.Phil (Clinical Psychology) Course Regulations, which is contrary to the guidelines issued by the Rehabilitation Council of India (for short 'RCI') is put in issue before this Court and seeking quashment of the said notification.

2. It is the case of the petitioner that he completed his B.Sc. (Allied Health Science) Anaesthesia Technology, a 3 + 1 year course on regular basis from Chettinad Hospital and Research Institute during June, 2018 and, thereafter, enrolled in the 2 year M.Sc. (Counselling Psychology) on regular basis from the same institute and completed the course in the year August, 2020 by coming out in First Class.

3. It is the further case of the petitioner that he intend to complete a Master's Degree in Clinical Psychology as he had worked as Counselling Psychologist (Consultant) at various places under the Government sponsored



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programmes and, therefore, decided to pursue M.Phil in Clinical Psychology. It is the further averment of the petitioner that RCI, a statutory body under the Rehabilitation Council of India Act, 1992, functioning under the aegis of the Ministry of Social Justice and Empowerment, lays down the policy and parameters regarding various aspects of training and education in the field of rehabilitation. It is further averred that the institutions across the country have to be recognized by the RCI as per Section 11 of the RCI Act.

4. It is the further averment of the petitioner that Section 29 of the RCI Act, permits the RCI, with the previous sanction of the Central Government, to issue notifications relating to regulations to carry out the purposes of the RCI Act and Section 29 (i) thereof provides for the courses and period of study or training to be undertaken, the subjects of examination and standards of proficiency therein to be obtained in any University or any institution for grant of recognized rehabilitation qualification. As a consequence thereof, RCI had issued revised M.Phil Clinical Psychology 'Guidelines and Syllabus' in 2016 for implementation



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of the same by the stakeholders of the various Universities from the academic session 2017-2018.

5. It is the further averment of the petitioner that the said guidelines and syllabus has been continued till the year 2024-2025 and the said guidelines and syllabus lays down the Regulations for admission to M.Phil Clinical Psychology course, which prescribes the following qualification as a requirement for entry :-

*"4.0 REGULATIONS OF THE COURSE*

*4.2 Entry Requirement*

*Minimum educational requirement for admission to this course will be 2 years M.A./M.Sc. degree in Psychology from a university recognized by the UGC with a minimum of 55% marks in aggregate. For SC/ST category, minimum of 50% marks in aggregate is essential as per Gol."*

6. It is the further averment of the petitioner that four institutions in Tamil Nadu have been recognized to provide M.Phil in Clinical Psychology with limited number of seat intake, totalling to 45 seats across the four institutes. Among the four institutes, the 3<sup>rd</sup> respondent herein and Institute of Mental Health, are



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institutions, which have been recognized by the 2<sup>nd</sup> respondent and the said institutions are affiliated to the 1<sup>st</sup> respondent, while the other two institutions are “Deemed to be University”. It is the further averment of the petitioner that the deemed to be universities, viz., SRM Medical College Hospital & Research Centre and Sri Ramachandra Medical College & Research Institute, Shri Ramachandra University, prescribe the same entry requirements for admission to M.Phil course, as specified under the Guidelines and Syllabus of RCI, which entry requirement is fulfilled by the petitioner for being considered for admission to M.Phil Clinical Psychology.

7. It is the further averment of the petitioner that admission notification for the academic year 2024-2025 has been published by the 3<sup>rd</sup> respondent in their official website calling for applications for the said course with the last date for receipt as 30.07.2024. The prospectus uploaded by the 3<sup>rd</sup> respondent in their website clearly prescribed the sanctioned intake at 13 seats and also dealt with the eligibility, norms, guidelines and curriculum. While the general rules



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were in line with the RCI Guidelines and Syllabus, however, the eligibility criteria as per the Regulation of the 1<sup>st</sup> respondent prescribed the eligibility as under :-

*“The minimum qualification for admission into M.Phil, Clinical Psychology shall be 10+2+3+2 under full time regular mode. The candidates should have obtained their basic Degree in Psychology B.A. or B.Sc. and P.G. Degree in M.A./M.Sc. (Psychology, Applied Psychology, Counselling Psychology) in full time regular mode from a university recognized by the UGC with a minimum of 55% marks in aggregate. For SC/ST category & PwD, minimum of 50% marks in aggregate is essential, as per Gol.*

*(Note : As per the guidelines of the Tamil Nadu Dr. M.G.R. Medical University, candidates without under-graduation in Psychology and those who acquired B.A. or B.Sc. and M.A. or M.Sc. degrees by correspondence course or part time or by distance education will not be eligible)”*

8. It is the further averment of the petitioner that while basic undergraduate degree in B.A./B.Sc. in Psychology is not mandated by the RCI, the mandate of a basic undergraduate degree in B.A./B.Sc. degree in Psychology runs counter to the RCI Guidelines and Syllabus and thus renders the petitioner ineligible for competing in the selection process. The RCI Guidelines and Syllabus



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only prescribes a Master's Degree in Psychology and the prescription of undergraduate degree in Psychology makes the petitioner ineligible for admission.

9. It is the further averment of the petitioner that the Regulations of the Tamil Dr. M.G.R. Medical University for the year 2013 onwards was in consonance with the regulations of RCI, whereas from 2016-2017 onwards, additional stipulation of requirement of undergraduate basic degree in B.A./B.Sc. Psychology was prescribed by the 1<sup>st</sup> respondent, which runs contrary to the RCI Guidelines & Syllabus.

10. It is the further averment of the petitioner that his application for the year years 2021, 2022 and 2023 were rejected on the very same ground though the petitioner was otherwise fully qualified and eligible for being admitted into the said course. It is the further averment of the petitioner that he had applied for M.Phil Clinical Psychology course at other institutions across the country and which institutes were following the RCI guidelines, where the petitioner was



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found fully eligible for admission and had also participated in the entrance examination and viva-voce.

11. It is the further averment of the petitioner that the University Grants Commission vide notification dated 7.11.2022 had discontinued the M.Phil Programme in accordance with the recommendations of the National Education Policy, 2020, but subsequently issued a public notice on 30.01.2024 considering the importance of Clinical Psychologists, extended the validity of M.Phil in Clinical Psychology and M.Phil in Psychiatric Social Work until 2025-2026 academic session.

12. It is the averment of the petitioner that he should be treated on par with candidates, who have completed basic degree in Psychology and considered for admission, as similarly placed candidates, who did not pursue basic degree in Psychology are admitted to M.Phil Clinical Psychology programme either outside the State or in Deemed Universities within the State, the Regulations of the 1<sup>st</sup>



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respondent curtailing the same is arbitrary, unconstitutional, discriminatory and violative of Article 14 of the Constitution.

13. It is the further averment of the petitioner that when the 1<sup>st</sup> respondent maintained the guidelines and syllabus in line with RCI upto 2013, the change in the Regulations in the guidelines and syllabus on and from 2016-2017 by prescribing different eligibility requirement is wholly unreasonable and unjust. There is repugnancy between the Regulations of RCI Guidelines and the Regulations of the 1<sup>st</sup> respondent and, therefore, the Regulations framed by the 2<sup>nd</sup> respondent would prevail over the Regulations of the 1<sup>st</sup> respondent. As the candidature of the petitioner has not been considered in view of the aforesaid guidelines, which is against the guidelines and syllabus of RCI, the petitioner has come forward with the present writ petition.

14. Learned counsel appearing for the petitioner submitted that when RCI Guidelines and Syllabus prescribes the minimum educational qualifications for admission to M.Phil. Clinical Psychology, as being M.A./M.Sc. in Psychology, the



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prescription of basic degree in B.A./B.Sc. in Psychology in addition to the prescription made by the 2<sup>nd</sup> respondent is arbitrary and unreasonable and is liable to be quashed.

15. It is the further submission of the learned counsel that all the Universities outside the State as also the Deemed Universities within the State of Tamil Nadu adhere to the prescription prescribed under the RCI Guidelines and Syllabus and that being the case, the 1<sup>st</sup> respondent alone cannot mandate a basic degree in Psychology as a condition for being eligible for admission to M.Phil. Clinical Psychology.

16. It is the further submission of the learned counsel that when the eligibility requirement prescribed by the RCI Regulations are applicable to all institutions recognized by the RCI, the 1<sup>st</sup> respondent, being granted recognition by RCI, is bound to follow the prescription made by RCI to the eligibility criteria relating to minimum qualification and cannot impose any additional



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requirement of qualification, which would be repugnant to the RCI Guidelines and Syllabus.

17. It is the further submission of the learned counsel that till the year 2013, the 1<sup>st</sup> respondent was following the minimum prescription of qualification as prescribed by the RCI Guidelines and Syllabus, but all of a sudden, from 2016-2017, the additional prescription to the basic degree had been brought into the Regulations without any reason or rhyme against the Guidelines and Syllabus of RCI. Further, this is the petitioner is left only with chance till 2025-2026 to realise his dream of getting admitted to the M.Phil Clinical Psychology course, as otherwise, as per the directions of University Grants Commission on the basis of the New Education Policy, 2020, the M.Phil degree would be done away with and the petitioner would be denied of realising his dream of obtaining the degree,

18. It is the further submission of the learned counsel that the petitioner holds a bachelor's degree in Allied Health Science and Master's degree in



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Counselling Psychology which fulfils the eligibility requirement for admission to the course as per the RCI Regulations and the further prescription of basic degree qualification by the 1<sup>st</sup> respondent is violation of Article 14, 16 and 21 of the Constitution.

19. It is the further submission of the learned counsel that in case of repugnancy between the Regulations of RCI and the Regulations of the 1<sup>st</sup> respondent, the Regulations of RCI, which is the Central Authority, has to survive and, therefore, the prescription of qualification beyond what has been mandated under the RCI Guidelines and Syllabus is unconstitutional and, therefore, Regulation 3 of the notification ought to be declared as ultra vires and deserves to be quashed by allowing the present writ petition.

20. In support of the aforesaid submission, learned counsel placed reliance on the decision of a Division Bench of this Court in the case of ***The Tamil Nadu Dr. M.G.R. Medical University – Vs – P.Anand (2011 (6) CTC 801)***.



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21. Per contra, learned standing counsel appearing for the 1<sup>st</sup> respondent submitted that the fixation of qualification is purely within the discretion of the 1<sup>st</sup> respondent and the guidelines of the 2<sup>nd</sup> respondent relates only to fixation of minimum qualification, which clearly means that the qualification cannot be below the said prescribed qualification. However, for the purpose of enriching the standard of education, if qualification additional to the minimum qualification prescribed by RCI is fixed by the 1<sup>st</sup> respondent, the same cannot be said to be repugnant to the Regulations fixed by RCI.

22. It is the further submission of the learned standing counsel that even otherwise, the minimum qualification prescribed by RCI is part of the Guidelines and Syllabus for admission to M.Phil Clinical Psychology and the said guidelines do not have any statutory force and it cannot be termed to be repugnant to Regulation 3 of the prospectus for M.Phil Clinical Psychology issued by the 1<sup>st</sup> respondent.



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23. It is the further submission of the learned standing counsel that prescription of basic degree in Psychology as a qualification in addition to post-graduate degree in Psychology for being considered for admission is only for the purpose of enhancing the foundational skills of the student and the said prescription of additional qualification over and above what has been prescribed by the RCI cannot be said to be erroneous.

24. It is the further submission of the learned counsel that more than 450 applications have been received for the purpose of filling up the seats and only to find the best hands for admission so that the outgoing Clinical Psychologists would be best suited and able to handle complex scenarios, higher educational standards have been prescribed and the petitioner not fulfilling the prescribed educational qualification, cannot seek for relaxation or claim that the qualification prescribed is not in line with the qualification prescribed by RCI. When all the other candidates have fulfilled the conditions and are fit for admission, of whom selection would be made on written test and viva voce, the petitioner cannot claim a lenience for the purpose of doing the said course.



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25. Placing reliance on the decision of the Apex Court in the case of ***Visveswaraiah Technological University & Anr. – Vs – Krishnendu Halder & Ors. (2011 (4) SCC 6060)***, wherein the Apex Court has dealt with similar issue with regard to fixation of higher qualification by the University than the one fixed by AICTE, the Apex Court has held that for achieving excellence in and promoting higher education and there being adequate candidates available for being admitted in the said course, who fulfil the requisite eligibility criteria, the plea of the petitioner for a declaration cannot be sustained.

26. It is the further submission of the learned standing counsel that the decision in *Anand case (supra)*, relied on by the petitioner would not be applicable to the case on hand, as in the said case, the Regulation of the appellant therein was against the Regulation framed by AICTE, however, in the case on hand, it is only the guidelines of RCI with regard to minimum qualification, which do not have any statutory force and, therefore, the said decision cannot be made applicable to the present case.



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27. In fine, it is the submission of the learned standing counsel that the prescription of higher qualification for the purpose of admission is not in contravention of RCI regulations and the guidelines of RCI are only directory and not mandatory and, therefore, the basic degree in Psychology prescribed by the 1<sup>st</sup> respondent cannot be said to be perverse or arbitrary and the writ petition deserves to be dismissed.

28. Learned standing counsel appearing for the 3<sup>rd</sup> respondent sailed along with the submissions made by the learned counsel appearing for the 1<sup>st</sup> respondent and submitted that the prescription of higher qualification for the purpose of academic excellence cannot be interfered with by the Courts sitting under Article 226 as it would only erode the academic excellence in the students, who complete the course. Therefore, it is prayed that there are no merits in the present petition and the same may be dismissed.



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29. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record as also the decisions relied on, on behalf of the parties.

30. In spite of service of notice on the 2<sup>nd</sup> respondent, there is no representation. Considering the fact that the issue, which requires deliberation in the present case is a legal issue, viz., interpretation of the Guidelines and Syllabus issued by RCI vis a vis Regulation 3 of the prospectus of the 1<sup>st</sup> respondent relating to admission to M.Phil Clinical Psychology and considering the urgency involved in the selection process for admission, this case is taken up for hearing.

31. There is no quarrel with the fact that RCI is the statutory central body, which prescribes the syllabus and the minimum qualifications for the purpose of admission to the courses under its control. In compliance of its statutory obligations, RCI had issued the Guidelines and Syllabus which would be effective from the Academic Session 2017-2018. While such being the position, the 1<sup>st</sup>



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respondent University has prescribed educational qualification of possession of under-graduate degree and pos-graduate degree in Psychology for being considered eligible for admission to M.Phil Clinical Psychology.

32. There is no quarrel about the fact that the petitioner is possessed of a post-graduate degree in Psychology, but is possessed of an under-graduate degree in B.Sc. (Allied Health Science) and is not possessed of an under-graduate degree in Psychology, from which it is clear that the petitioner is not possessed of an under-graduate degree in Psychology, which has been prescribed by the 1<sup>st</sup> respondent in Regulation 3 of the prospectus, which makes him ineligible for being considered for selection and admission to M.Phil. Clinical Psychology, which prescription of higher qualification is put in issue before this Court in this writ petition.

33. In this backdrop, a perusal of the Guidelines and Syllabus issued by RCI which is effective from the Academic Session 2017-2018 reveals in the introductory part that *“this document is also meant to serve as guidelines for*



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*institutions intending to start the training program in clinical psychology to strengthen their resource base in terms of infrastructure and personnel for providing an effective training in the field of clinical psychology. It has been further stated in the introductory part that “depending on the available resources and expertise at the center, the appropriate academic formats in content area of each paper can be worked out. Though a standardized structure is adopted across different papers, sufficient flexibility is maintained for centers to respond to needs, interest and abilities of the trainees and the resources available”.*

34. Further, the Aims and Objectives is evident from clause 2.0 of the Guidelines and Syllabus. Entry requirement for admission is provided under clause 4.2, which prescribes the minimum educational requirement for admission to the course of M.Phil Clinical Psychology. From the aims and objectives coupled with the minimum qualifications prescribed under the entry requirement clearly demonstrate that RCI has given guidelines for the



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Universities, which are to be followed in relation to admission procedure and conduct of the courses by the Universities.

35. Even from the very terminology used by RCI, it clearly shows that what is drafted is only the guidelines, which have to be followed by the Universities and the said guidelines and syllabus cannot be said to be mandatory, as could be elicited even from the very introductory given in the said guidelines, which clearly stipulate that even with regard to the syllabus, it is open to the Universities to work out the appropriate academic format in the content area, as what is provided is only a standardized structure to be followed and any change in the structure is open to the said Universities.

36. In this backdrop, the 1<sup>st</sup> respondent under Regulation 3 of the prospectus for admission to M.Phil Clinical Psychology has prescribed Post-graduate degree in Psychology in addition to under-graduate decree in Psychology. The inclusion of basic degree in Psychology is an additive to the minimum qualification prescribed by RCI.



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37. From the terminology used in the RCI Guidelines and Syllabus for the Academic Session 2016-2017, it is clear that what is prescribed is the minimum qualification, which effectively means that the qualification cannot be brought down, keeping in mind the excellence in education, but for achieving a higher educational excellence, prescription of a higher qualification cannot be said to be a contravention of the guidelines issued by RCI. When the guidelines issued by RCI does not have a statutory force, as they are not regulations, but only guidelines to be followed by the Universities, in addition to any additives that may be prescribed by the Universities, the said addition cannot be said to be contradiction, making the said addition repugnant to the RCI Guidelines. Repugnancy could be only when it is a statutory provision, which has to be followed in letter and spirit and not where it is a guideline, which has to be followed in addition to any changes being made, without disturbing the minimum prescription.



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38. In this regard, useful reference can be had to the decision of the Apex Court in *Krishnendu Halder case (supra)*, wherein the Supreme Court, in identical circumstances, has held as under :-

*“11. In Dr. Preeti Srivastava and Anr. v. State of M.P. and Ors. MANU/SC/1021/1999 : (1999) 7 SCC 120, a constitution bench of this Court held:*

*“35. .... Both the Union as well as the States have the power to legislate on education including medical education, subject, inter alia, to Entry 66 of List-I which deals with laying down standards in institutions for higher education or research and scientific and technical institutions as also coordination of such standards. A State has, therefore, the right to control education including medical education so long as the field is not occupied by any Union Legislation. Secondly, the State cannot, while controlling education in the State, impinge on standards in institutions for higher education. Because this is exclusively within the purview of the Union Government. Therefore, while prescribing the criteria for admission to the institutions for higher education including higher medical education, the State cannot adversely affect the standards laid down by the Union of India under Entry 66 of List-I.*



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*Secondly, while considering the cases on the subject it is also necessary to remember that from 1977, education including, inter alia, medical and university education, is now in the Concurrent List so that the Union can legislate on admission criteria also. If it does so, the State will not be able to legislate in this field, except as provided in Article 254.*

*36. It would not be correct to say that the norms for admission have no connection with the standard of education, or that the rules for admission are covered only by Entry 25 of List III. **Norms of admission can have a direct impact on the standards of education. Of course, there can be rules for admission which are consistent with or do not affect adversely the standards of education prescribed by the Union in exercise of powers under Entry 66 of List I. For example, a State may, for admission to the postgraduate medical courses, lay down qualifications in addition to those prescribed under Entry 66 of List I. This would be consistent with promoting higher standards for admission to the higher educational courses. But any lowering of the norms laid down can and does have an adverse effect on the standards of education in the institutes of higher education.***



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(emphasis supplied)

12. In *State of Tamil Nadu. v. S.V. Bratheep* MANU/SC/0228/2004 : (2004) 4 SCC 513, wherein, a three Judge Bench of this Court followed Dr. Preeti Srivastava and explained Adhiyaman thus:

*“9. If higher minimum is prescribed by the State Government than what had been prescribed by the AICTE, can it be said that it is in any manner adverse to the standards fixed by the AICTE or reduces the standard fixed by it? In our opinion, it does not.... The manner in which the High Court has proceeded is that what has been prescribed by AICTE is inexorable and that that minimum alone should be taken into consideration and no other standard could be fixed even higher as stated by this Court in Dr. Preeti Srivastava's case. It is no doubt true, as noticed by this Court in Adhiyaman's case that there may be situations when a large number of seats may fall vacant on account of the higher standards fixed. **The standards fixed should always be realistic which are attainable and are within the reach of the candidates. It cannot be said that the prescriptions by the State Government in addition to those of AICTE in the present case are such which are not attainable or which are not within the reach of the***



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**candidates who seek admission for engineering colleges.....** Excellence in higher education is always insisted upon by series of decisions of this Court including Dr. Preeti Srivastava's case. If higher minimum marks have been prescribed, it would certainly add to the excellence in the matter of admission of the students in higher education.

10. Argument advanced on behalf of the Respondents is that the purpose of fixing norms by the AICTE is to ensure uniformity with extended access of educational opportunity and such norms should not be tinkered with by the State in any manner. We are afraid, this argument ignores the view taken by this Court in several decisions including **Dr. Preeti Srivastava case that the State can always fix a further qualification or additional qualification to what has been prescribed by the AICTE and that proposition is indisputable. The mere fact that there are vacancies in the colleges would not be a matter, which would go into the question of fixing the standard of education. Therefore, it is difficult to subscribe to the view that once they are qualified under the criteria fixed by AICTE they should be admitted even if they fall short of the criteria prescribed by the State.....**

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12. One other argument is further advanced before us that the criteria fixed by the AICTE were to be adopted by the respective colleges and once such prescription had been made, it was not open to the Government to prescribe further standards particularly when they had established the institutions in exercise of their fundamental rights guaranteed under Article 19 of the Constitution. However, we do not think this argument can be sustained in any manner. **Prescription of standards in education is always accepted to be an appropriate exercise of power by the bodies recognising the colleges or granting affiliation, like AICTE or the University.** If in exercise of such power the prescription had been made, it cannot be said that the whole matter has been foreclosed.”

*(emphasis supplied)*

39. The above decision clearly engulfs the present issue on hand, as what is said there is squarely what is reflected here. In the said case, the Supreme Court has gone one step further to hold that insofar as education is concerned, while fixing the norms of education, which can have a direct impact on the



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standards of education, there can be rules for admission which are consistent with or do not adversely affect the standards of education prescribed.

40. In *Preeti Srivastava case*, which has been taken in aid by the Apex Court in the aforesaid decision, it has been clearly laid down that a State may, for admission to post-graduate medical courses, lay down qualifications in addition to those prescribed under Entry 66 of List I. This would be consistent with promoting higher standards for admission to the higher educational courses. However, lowering of educational qualifications alone would have an adverse effect on the standards of education.

41. This is precisely the reason minimum qualification/requirement is fixed by RCI, which would go to show that for enhancing the standards of education in the guidelines and syllabus, the Universities are well within their domain to prescribe higher qualification for the purpose of enhancing the standards of education. The said prescription of higher educational qualification can never be said to be adverse or perverse.



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42. Further, in the case on hand, it is not as if that the said qualification is not attainable or that adequate candidates are not there fulfilling the said requirement, which would leave a void in the filling up of the said vacancies, thereby there would be dearth of candidates to take up admission.

43. It is pointed out by the learned standing counsel for the 1<sup>st</sup> respondent that there are more than 450 candidates, who have fulfilled the qualifications prescribed by the 1<sup>st</sup> respondent in respect of only about 25 seats in the two Government institutions. Even otherwise, the overall number of seats in all the four institutions is only about 45 for which there are more than 450 candidates, who have fulfilled the conditions prescribed by the 1<sup>st</sup> respondent. In this regard, in the decision in *Krishnendu Haldar*, the Apex Court has

*13. The object of the State or University fixing eligibility criteria higher than those fixed by AICTE, is two fold. The first and foremost is to maintain excellence in higher education and ensure that there is no deterioration in the quality of candidates participating in professional Engineering courses. The second is to*



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*enable the State to shortlist the applicants for admission in an effective manner, when there are more applicants than available seats. Once the power of the State and the Examining Body, to fix higher qualifications is recognized, the rules and regulations made by them prescribing qualifications higher than the minimum suggested by AICTE, will be binding and will be applicable in the respective state, unless the AICTE itself subsequently modifies its norms by increasing the eligibility criteria beyond those fixed by the University and the State. It should be noted that the eligibility criteria fixed by the State and the University increased the standards only marginally, that is 5% over the percentage fixed by AICTE. **It cannot be said that the higher standards fixed by the State or University are abnormally high or unattainable by normal students, so as to require a downward revision, when there are unfilled seats.** During the hearing it was mentioned that AICTE itself has revised the eligibility criteria. Be that as it may.”*

*(Emphasis Supplied)*

44. From the above, it is clear that even if the candidature of the petitioner is not considered, there would be no unfilled vacancy, as the number of candidates, who have applied for the said course outnumber the number of seats available across all the four institutions, which are imparting M.Phil



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Clinical Psychology. Summarising the legal position, the Apex Court in *Krishnendu Haldar* held as under :-

*“10. The Respondents (colleges and the students) submitted that in that particular year (2007-2008) nearly 5000 engineering seats remained unfilled. They contended that whenever a large number of seats remained unfilled, on account of non-availability of adequate candidates, para 41(v) and (vi) of Adhiyaman would come into play and automatically the lower minimum standards prescribed by AICTE alone would apply. This contention is liable to be rejected in view of the principles laid down in the Constitution Bench decision in Dr. Preeti Srivastava and the decision of the larger Bench in S.V. Bratheep which explains the observations in Adhiyaman in the correct perspective. We summaries below the position, emerging from these decisions:*

*(i) While prescribing the eligibility criteria for admission to institutions of higher education, the State/University cannot adversely affect the standards laid down by the Central Body/AICTE. The term ‘adversely affect the standards’ refers to lowering of the norms laid down by Central Body/AICTE. **Prescribing higher standards for admission by laying down qualifications in addition to or higher than those prescribed by AICTE, consistent with the object of promoting higher standards and excellence.***



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**in higher education, will not be considered as adversely affecting the standards laid down by the Central Body/AICTE.**

**(ii) The observation in para 41(vi) of Adhiyaman to the effect that where seats remain unfilled, the state authorities cannot deny admission to any student satisfying the minimum standards laid down by AICTE, even though he is not qualified according to its standards, is not good law.**

**(iii) The fact that there are unfilled seats in a particular year, does not mean that in that year, the eligibility criteria fixed by the State/University would cease to apply or that the minimum eligibility criteria suggested by AICTE alone would apply. Unless and until the State or the University chooses to modify the eligibility criteria fixed by them, they will continue to apply in spite of the fact that there are vacancies or unfilled seats in any year. The main object of prescribing eligibility criteria is not to ensure that all seats in colleges are filled, but to ensure that excellence in standards of higher education is maintained.**

**(iv) The State/University (as also AICTE) should periodically (at such intervals as they deem fit) review the prescription of eligibility criteria for admissions, keeping in balance, the need to maintain excellence and high standard**



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*in higher education on the one hand, and the need to maintain a healthy ratio between the total number of seats available in the state and the number of students seeking admission, on the other. If necessary, they may revise the eligibility criteria so as to continue excellence in education and at the same time being realistic about the attainable standards of marks in the qualifying examinations.”*

*(Emphasis Supplied)*

45. In unambiguous and clear terms, the Supreme Court has held that so long as the prescription of higher standards laid down does not adversely affect the standards laid down by the central body, the prescription of higher qualifications would not be bad so long as the object is for promoting higher standards and excellence in higher education and merely because the seats remain unfilled, lowering of minimum standards cannot be permitted. The above decision not only squarely applies to the case on hand, but is the only logical inference that could be drawn from the guidelines framed in the present case by RCI.



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46. Though the decision of the Division Bench of this Court in *Anand case* is pressed into service, however, in the first place, it is to be pointed out that the facts in the case are entirely different from the case on hand and, therefore, the said decision is not applicable to the present case. Even otherwise, in the light of the binding decision of the Apex Court in *Krishnendu Haldar case*, the decision in *Anand case* cannot be driven to the forefront to suit the needs of the petitioner and, therefore, the said decision has to be pushed back.

47. Further, it is to be pointed out that the aforesaid Regulation 3 of the prospectus has not been put in, in the present academic year, but it has formed place since 2016-2017 and that the petitioner had been applying for the same course for the past three years, viz., 2021, 2022, 2023, but has remained unsuccessful. Even otherwise, it is the stand of the petitioner that he had applied elsewhere in institutions, which had merely prescribed the minimum qualification as prescribed by RCI, but has not come out successful. This clearly shows that the course, which is going to be closed by the end of the next academic year, the petitioner having not been successful all these years, is trying



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to get himself admitted in the said course by attacking the higher standards prescribed by the 1<sup>st</sup> respondent. Such an act of the petitioner cannot be subscribed by this Court, though this court can feel pity on seeing the plight of the petitioner, but cannot go any further to invoke its inherent jurisdiction to grant any relief, as it would not only be against the ratio laid down by the Apex Court, but would be against the interest of excelled in education, which is sought to be achieved by the 1<sup>st</sup> respondent through the aforesaid fixation of higher qualification for admission to the aforesaid course.

48. Further, it has been the consistent view of the courts that the prescription of qualification for admission to courses is best left to the experts in academic field and the courts should not transgress into the same to import its view with regard to the qualification that ought to have been prescribed. The duty of the Court is only to see whether the said prescription has violated the rights of the citizens guaranteed by the Constitution and not to wilt on the plight of a person not being able to secure admission because of prescription of higher



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qualification, as such an adventure by the Court would compromise the standards of education which cannot be permitted.

49. In the light of the discussion made above, this Court is of the considered view that Regulation 3 of the prospectus issued by the 1<sup>st</sup> respondent cannot be said to be perverse, unreasonable or arbitrary and, therefore, the same requires no interference at the hands of this Court. Accordingly, this writ petition fails and the same is dismissed. Consequently, connected miscellaneous petitions are also dismissed. There shall be no order as to costs.

**22.08.2024**

Index : Yes / No

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To

1. The Registrar  
Tamil Nadu Dr. M.G.R. Medical University  
No.69, Anna Salai, Guindy  
Chennai 600 032.
2. The Member Secretary  
Rehabilitation Council of India  
B-22, Qutub Institutional Area  
New Delhi 110 016.
3. The Director  
National Institute for Empowerment of  
Persons with Multiple Disabilities (Divyangjan)  
ECR, Muttukadu, Kovalam (P.O.)  
Chennai 603 112.



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**M.DHANDAPANI, J.**

**GLN**

**PRE-DELIVERY ORDER IN  
W.P. NO.20626 OF 2024**



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**Pronounced on  
22.08.2024**