

(2008) 04 MAD CK 0054

In the Madras High Court

Case No : W.A. No. 175 of 2008 and M.P. No. 1 of 2008

A. Balakumar

APPELLANT

Vs

The Director of Technical Education, The Controller of
Examination, Anna University and The Principal, A.R.J.
College of Engineering and Technology

RESPONDENT

Date of Decision : 17-04-2008

Acts Referred:

Citation : (2008) 04 MAD CK 0054

Hon'ble Judges : S.J. Mukhopadhaya, J;M. Venugopal, J

Bench : Division Bench

Advocate : V. Bhiman, for the Appellant; D.Srinivasan, AGP for R-1 and Mani Sundar Gopal, for G.M. Mani Associates for R-2, for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—The appellant/petitioner has preferred the writ petition for direction on respondents 1 and 2 to issue provisional

eligibility certificate for his admission under Lateral Entry Scheme in the 2nd year ECE course in the 3rd respondent college on production of

necessary certificate.

2. The petitioner got admitted in the 3rd respondent college in the 2nd year B.E. course under the Lateral Entry Scheme against a NRI quota after

completing his Diploma in Electrical and Communication Engineering course in October, 2006. As per procedure, he was to obtain a provisional

eligibility certificate from the Anna University and in turn the Director of Technical Education, Government of Tamil Nadu has to approve the same.

As per instruction issued for the affiliated colleges by the Anna University a person gets admission under the NRI quota, the following certificates

are to be produced along with application form, viz.,

1. Sponsorship Letter (in original);
2. Relationship Certificate obtained from Tahsildar or Revenue Officials (in original);
3. Employer Certificate (in original);
4. Evidence for the payment of development charges of US\$ 1000 to the college (photo copy);
5. Statement of Bank A/c. of sponsor with NRE A/c No. (photo copy);
6. Embassy Certificate of sponsor (in original) / PIO Card;
7. Nativity Certificate of the sponsor (in original);
8. Copy of passport of sponsor;
9. Attested copies of Mark Sheet and Transfer Certificate.

3. Admittedly, the petitioner did not produce most of the certificates within the time prescribed in the prospectus, inspite of grant of further time in

his favour. When the examination of the 3rd semester was to commence on 14th Nov., 2007, he having not granted admit card (hall ticket),

moved before the court and by court's order dated 13th Nov., 2007, he was allowed to appear in the said examination. It was made clear in the

order that the petitioner should produce the necessary certificate to the 2nd respondent, the Controller of Examination, Anna University, within four

weeks from the date of receipt of a copy of that order and in default it was open to the 2nd respondent, University, to cancel the examination

undertaken by the petitioner pursuant to the order of the court. In the said writ petition, a petition for extension of time was filed for production of

various records, which was allowed, but one document could not be produced, viz., Embassy Certificate of Sponsor (in original)/PIO Card from

Singapore for which step was taken, but he could not receive the document. Later on, beyond the prescribed period given by the Court he could

obtain the certificates, but finally the court did not allow time and dismissed the writ petition by impugned order dated 4th Jan., 2008.

4. Learned Counsel appearing on behalf of the appellant, while made detailed submissions showing ground for not filing the document in time and

submitted that inspite of his application within time, the petitioner could not get many documents from the Embassy. It was further submitted that

the documents having now been obtained, the University should accept the same for grant of provisional eligibility certificate.

According to the learned Counsel for the University, the writ petition was rightly dismissed as the petitioner could not produce all the documents within time.

On the other hand, according to the learned Addl. Government Pleader appearing for the State, in absence of any provisional eligibility certificate

granted by the University, the competent authority of the State, viz., Director of Technical Education, cannot take any decision in one or the other

way.

5. We have heard the learned Counsel for the parties and noticed the rival contentions. We have also gone through the admission procedure pursuant to which the petitioner was granted admission.

6. It appears that those who are admitted against NRI quota, for them certain guidelines have been prescribed by the Government of Tamil Nadu

vide G.O. Ms. No. 109 dated 10th April, 2002, as modified vide G.O. Ms. No. 212 dated 18th June, 2006. Following criteria has been laid

down therein:

- (i) Candidates are required to have passed Higher Secondary Examination (10 + 2 pattern and equivalent);
- (ii) NRI financially supporting the candidate must be a blood relation such as father/mother/brother/sister/uncle/aunt, et.;
- (iii) The applicants for admission under NRI quota shall not have completed 21 years of age on 1st July of the respective academic year; and
- (iv) Candidate must furnish xerox copies of the following supporting documents:
 - (a) NRI status certificate of the financial supporter issued by the embassy of respective country under their seal.
 - (b) NRI Bank account pass book of the financial supporter.
 - (c) Passport of the financial supporter.
 - (d) Nativity Certificate of the financial supporter.
 - (e) Evidence for payment of development charges of US\$ 1000.

If the aforesaid documents are submitted, the affiliated colleges are supposed to forward the matter to the University so as to enable the University

to scrutiny the documents for issuance of provisional eligibility certificate. It is

only when the provisional eligibility certificate is issued by the University, the Director of Technical Education, Government of Tamil Nadu, taking into consideration such certificate, approve the admission of the student.

7. It has not been disputed that the admission of the petitioner has not yet been cancelled and he is still pursuing study in the college. The question of approval of admission by the Director of Technical Education, Government of Tamil Nadu will arise only when the University issues a provisional eligibility certificate. The University has not accepted the certificate, which has been obtained by the petitioner much later on by the order of the court, merely on the ground that the court has not extended further time. Taking into consideration the aforesaid fact, particularly when the petitioner is still pursuing study in the college in question and when his admission has not yet been cancelled and that he applied within time after the order of the court, but because of delay by the Embassy he could not produce the certificate within time, we are of the view that the petitioner should be given opportunity to produce all those documents before the University.

8. We, accordingly, allow one months time to the petitioner (appellant herein) to produce all those relevant certificates required to be produced, but not yet produced, before the concerned officer of the University. The University, in its turn, is directed to go through the documents and pass appropriate order regarding grant of provisional eligibility certificate within 15 days from the date of receipt of such documents. If such certificate is granted in favour of the petitioner, the same be forwarded to the Director of Technical Education immediately, who, in its turn, will pass appropriate orders within 15 days thereof.

It is made clear that if the petitioner has already produced the documents, the University will take steps immediately as per our order aforesaid.

So far as the petitioner is concerned, if he fails to produce the documents within the time prescribed above, the college may take steps for cancellation of admission, treating his admission not approved by the authorities.

9. The order dated 4th Jan., 2008, passed by learned single Judge in W.P. No. 35011 of 2007 is set aside. The writ appeal is allowed with the aforesaid observations and directions. Consequently, connected miscellaneous petition is closed. But there shall be no order as to costs.