

(1993) 10 SC CK 0062

In the Supreme Court Of India

Case No : Writ Petition (Civil) No's. 536 and 598 of 1993

Mar Athanasius College

APPELLANT

Vs

State of Kerala and Another

RESPONDENT

Date of Decision : 12-10-1993

Acts Referred:

Citation : (1993) JT 281 Supp : (1993) 4 SCALE 219 : (1993) 4 SCC 347

Hon'ble Judges : S. Ratnavel Pandian, J; S. P. Bharucha, J; S. Mohan, J; S. C. Agrawal, J; B.P. Jeevan Reddy, J

Bench : Full Bench

Advocate : K.V. Mohan and M.A. Firoz, for the Appellant;

Final Decision : Allowed

Judgement

1. This order may be read in continuation of the Order dated 7th October, 1993 in T.M. Pal Foundation and Ors. etc. etc. v. State of Karnataka and Ors. etc. etc. (Writ Petition (C) Nos. 317 of 1993 etc. etc.). It is confined to the two minority engineering colleges in Kerala.

2. We have heard Shri F.S. Nariman and Shri Vaidyanathan, learned Counsel for the petitioners and Shri Mohan Vellapally, learned Counsel for the State of Kerala.

3. It is brought to our notice that admissions to fifty per cent of the seats in these two institutions have been finalised by conducting an objective test through an independent agency situated outside Kerala, on this basis of this Court's order dated 18th August, 1993, though the admissions have not yet been made formally. In the circumstances we direct that these colleges shall be governed by the order dated August 18, 1993 subject to the condition that the entire fees collected by them, whether from free students or from payment students or for that matter N.R.I. or Foreign students, if any, shall be fully made over to the Government of Kerala. The Government of Kerala should continue to pay the salaries of the teachers and other expenses, if any, as may have been borne by them for the previous years, for the current academic year. In other

words the arrangement prevailing in the previous years in respect of the fees collected and the expenses of the college shall continue for this year. So far as the admission to the other 50 per cent seats is concerned, they shall be filled by the allottees of the Government, as per the order dated August 18, 1993. Since the admission to 50 per cent of the seats have already been finalised in pursuance of the order of this Court dated 18th August, 1993, on an objective basis, and in accordance with the merit, we do not wish to interfere with the said selection at this stage. However, it is directed that the students belonging to the relevant minority (which established and is administering the college) shall not be admitted exceeding 50% of this years' intake and the remaining 50% shall be given to non-minority candidates. Admissions to free seats as well as payment seats will be made on the basis of merit only. As directed in the order dated 18th August, 1993 the payment seats (including NRI/Foreign students) and free seats shall be distributed equally between minority and non-minority students. The NRI/Foreign students if any admitted, shall count towards payment seats to be filled by the Management by conducting an objective test of its own.

4. The deletion of bank guarantee in the order dated 7th October, 1993 shall also apply to these institutions as also the 15% quota for N.R.I./Foreign students as prescribed in the aforesaid order dated 7th October, 1993.

5. Ordered accordingly.