
(1994) 11 KL CK 0021

In the High Court Of Kerala

Case No : O.P. No's. 10422/93, 11580/93 C, 10925/94 A, 10731/94 C,
10926/94 A and 15159/94

Ramesh Kumar

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 14-11-1994

Acts Referred:

All India Council for Technical Education Act, 1987 — Section 10
Constitution of India, 1950 — Article 14, 15(4), 41, 45, 46

Citation : (1994) 11 KL CK 0021

Hon'ble Judges : V.V. Kamat, J;K. Sreedharan, J

Bench : Division Bench

Advocate : K. Balakrishnan, K.P. Dandapani and Jaiju Babu, for the Appellant;
V.K. Beeran, A.A.G. for Respondents 1 and 2, Altaf Ahmad, A.S.G. for
Respondents 6 and 7 and G. Janardhana Kurup, for 3rd Respondent, for the
Respondent

Judgement

K. Sreedharan, J.—Same issues arise for consideration in all these Original Petitions. So, we consider it advantageous to dispose of them by a common judgment.

2. Government of Kerala by G.O. (Ms) 191/92/H. Edn., dated 24th December 1992 decided to start two self financing Engineering Colleges from academic year 1993-94. That decision was arrived at taking into consideration the growing demand for highly qualified technical hands in areas of Electronics and Computer Science. Government also felt the exodus of young men to neighbouring States of Karriataka, Tamilnadu, Andhra, Maharashtra etc. seeking admission to engineering courses. For starting new colleges, expenditure of crores of rupees is required. The financial position of the State was not sound to make the huge investment. Therefore it proposed to start the Engineering Colleges on a self-financing basis. To facilitate this, they thought it appropriate to establish two autonomous institutions, namely Lal Bahadur Shastri Centre for Science and Technology (referred to as "L.B.S. Centre"); and Institute of Human Resource

Development for Electronics (known as "I.H.R.D.E.") to keep out private agencies. It was also decided to collect loans from a certain percentage of students, refundable without interest when they complete the course of study. For this purpose, they called for detailed reports from I.H.R.D.E. and L.B.S. Centre.

3. On the basis of the report submitted by the above mentioned two institutions, Government issued G.O. (Ms) 68/93/H. Edn., dated 25th May 1993 fixing the guidelines for establishment of the self-financing engineering colleges and admission of students. I.H.R.D.E. is to start Engineering College in Alleppey District and the L.B.S. Centre to establish the College in Kasaragod District. The college to be established by I.H.R.D.E. will impart instructions to B. Tech. Course in Computer Engineering and Electronic Engineering with an intake of 120 students in each branch. The college under the L.B.S. Centre is to start B. Tech. Course in Computer Science and Engineering, Electronics and Communication Engineering, Electrical and Electronics Engineering and Mechanical Engineering with an intake of 60 students in each branch. It was provided that 50 percent of the total number of seats will be filled up on the basis of open merit applying the existing reservation principles; 10 percent seats to be reserved. for Scheduled Castes and Scheduled Tribes and the remaining 40 percent reserved for dependents of Non-Resident Indians. 50 percent seats in open merit and 10 percent for Scheduled Castes and Scheduled Tribes were to be filled up on the basis of the rank obtained by the applicants in the Entrance Examination conducted by the Commissioner for Entrance Examinations. Seats reserved for dependents of Non-Resident Indians are to be filled on the basis of the marks obtained by them in the qualifying examination. The college to be set up by I.H.R.D.E. will seek recognition from the Cochin University of Science and Technology, while that under L.B.S. Centre should seek affiliation to the University of Calicut. For generating resources for the colleges, it was decided to collect refundable interest free deposit of rupees one lakh from each student admitted in the open merit quota. Dependents of Non-Resident Indians are to be charged at the rate of 5,000 U.S. Dollars as non-refundable development charges. Tuition fee for all categories of students except Scheduled Castes and Scheduled Tribes was fixed at Rs. 12,500 per year. Students belonging to Scheduled Castes and Scheduled Tribes are to pay tuition fee at the rate of Rs. 6,250 per year and they are not liable to make any deposit. Government also stated that there will not be any financial commitment on the part of the Government in so far as these colleges are concerned.

4. The decision of the Government to start self-financing engineering colleges under the auspices of I.H.R.D.E. and L.B.S. Centre is under challenge in O.P. Nos. 10422 and 11580 of 1993. The main prayer in these Original Petitions is to issue a writ of mandamus directing the Government, University of Cochin, University of Calicut and I.H.R.D.E. and L.B.S. Centre not to proceed with the scheme for establishment of the self-financing colleges as per the guidelines fixed by the Government. Petitioners also pray for the issuance of a direction to the above

Respondents to discuss the matter with All India Council for Technical Education (hereinafter referred to as "AICTE") and to initiate proceedings for starting the colleges strictly complying with the scheme evolved by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., hereinafter referred to as Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., .

5. Department of Technical Education issued notification inviting applications for admission to Engineering Colleges for the year 1994-95. As per that notification, all candidates seeking admission for the various Engineering Colleges in the State were to apply in prescribed form before the stipulated date to the Commissioner for Entrance Examinations and appear for a test conducted by him. Candidates seeking admission to the colleges run by I.H.R.D.E. and L.B.S. Centre were also to apply pursuant to the notification. It was provided in the notification that admission to the courses will be on the basis of the result of Entrance Examination. Over and above this Notification issued by the Director of Technical Education, I.H.R.D.E. and L.B.S. Centre issued their separate brochure containing the eligibility conditions and reservation principles for allotment of seats. It stated that admission to 75 percent of the seats will be on the basis of open merit applying the existing reservation principles. 10 per cent of the seats are to be filled up from S.C./S.T. candidates. Remaining 15 percent of the seats are set apart for children (son/daughter) of Non-Resident Indians. Candidates are to be selected on the basis of rank secured in the Entrance Examination conducted by the Commissioner for Entrance Examinations for the year 1994-95. Tuition fee for all students except S.C./S.T. students was fixed at Rs. 12,500 per year. In the case of S.C./S.T. students, tuition fee was fixed at Rs. 6,250 per year. Candidates selected for admission, against general seats should remit an interest free deposit of rupees one lakh, refundable only after completion of four years from the date of remittance or on completion of the course to which the candidate is admitted, whichever is later. S.C./S.T. candidates are exempt from payment of this deposit. Candidates selected against seats reserved for children of Non-Resident Indians should remit an amount of 5,000 U.S. Dollars towards development charges. It was also provided that admission to Entrance Examination or securing a rank in the Entrance Examination will not automatically be an entitlement for admission to the College of Engineering run by these institutions.

6. Petitioner in O.P. 10731 of 1994, the two Petitioners in O.P. 10925 of 1994 and the second Petitioner in O.P. 10926 of 1994 secured rank Nos. 3070, 2539 and 2589, and 2875 respectively in the Entrance Examination conducted by the Commissioner for Entrance Examinations. They were denied admission in the colleges run by these institutions, while candidates ranked far below them in the Entrance Examination were admitted on deposit of rupees one lakh each and on their agreeing to pay the higher tuition fee. So, they challenge the method of selection of candidates adopted by the I.H.R.D.E. and L.B.S. Centre. The main prayer in these Original Petitions is for a declaration that the colleges run by

I.H.R.D.E. and L.B.S. Centre are bound by the scheme or guideline laid down by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., . Therefore, they should keep at least 50 percent of the seats as free seats. They also prayed for a declaration that the colleges run by I.H.R.D.E. and L.B.S. Centre are Government Colleges, bound to admit students on the basis of merit subject to rules of reservation permitted by the Constitution and can charge fee only as applicable to similar courses in other Government colleges.

7. O.P. 15159 of 1994 is at the instance of Society for Development of Technical Education, Kerala, represented by its Secretary. It is in the nature of a public interest litigation. The prayer in the petition is to issue a writ in the nature of mandamus commanding the Respondents to treat all the available seats in the Engineering Colleges of the State, including those run by I.H.R.D.E. and L.B.S. Centre on identical basis to be distributed by the Director of Technical Education strictly in accordance with the direction given by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., and to levy uniform fee at the rate charged for similar courses in Government Colleges.

8. On behalf of the State, a detailed counter-affidavit has been filed in O.P. 10422 of 1993. The stand taken therein is as follows: The educational institutions established by the State Government and run by a public sector undertaking is not to be treated as venture for commercialisation of education with profit motive. The colleges are intended to function on a no loss no profit basis. If the receipts of the college during a particular year exceed the expenses, the surplus will be utilised for financing further development schemes or for creation of more assets useful for the college. Once the capital costs involved is met and necessary building, equipments, and other fixtures and infrastructure are provided in a few years, it may be possible to reduce the amount of refundable advance and fees to be collected from the students. The grants allotted by the State are not sufficient to meet the entire expenditure of the institute. Government do not spend anything for the establishment of self-financing Engineering Colleges. All expenses, including the establishment and running of the college, are proposed to be met from the Development charges collected from the dependents of Non-Resident Indians, refundable deposits from the other category of students and by collecting the higher tuition fee. Although the funds of the colleges are not public funds, they are handled by a public sector undertaking! The scheme for establishment of self-financing engineering colleges is not opposed to Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., . The State is not in a position to afford further facilities to the students by investing any more in the educational field from the exchequer. Therefore, in order to facilitate the advancement of technical studies, the State has entrusted the public sector organisations like L.B.S. Centre and I.H.R.D.E. to run two self-financing engineering colleges. The scheme has been evolved to eliminate all kinds of exploitation and commercialism in educational field.

9. Another counter-affidavit has been filed on behalf of the State in O.P. 10926 of 1994. The stand taken therein is as follows: The colleges established by I.H.R.D.E. and L.B.S. Centre cannot be classified as private institutions so as to attract the ratio of the decision in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., . The colleges run by these institutions are not Government colleges as is understood in common parlance. They are colleges started by fully Government controlled autonomous bodies. Thus it is a fully Government controlled institution. The self-financing colleges form a separate distinguishable category, intended to cater to the needs of a separate category of persons who are willing to pay the higher fee prescribed.

10. Government issued G.O. (Ms.) 91/94/H. Edn., dated 8th June 1994. For a proper understanding of that order, we read the same:

Government as per G.O. read as first paper above have sanctioned setting up of two self financing Engineering Colleges under the aegis of I.H.R.D.E. and L.B.S. Centre for Science and Technology at Chengannur and Kasaragod respectively. In the G.O. second cited the broad guidelines for admission of students in these colleges, collection of fees, development funds etc. were also specified. But this order does not specifically say whether these colleges are Government Colleges or not.

I.H.R.D.E. and L.B.S. Centre for Science and Technology, are autonomous bodies fully owned by the State Government. Government are therefore pleased to order that the two self financing Engineering Colleges set up by these autonomous bodies at Chengannur and Kasaragod respectively will be treated as Government Colleges and that the Government undertake to give them financial support in future if necessity arises.

11. It is common case that about 2300 seats are available in all the nine Engineering Colleges in the State. Students in these colleges are paying tuition fee at the rate of Rs. 495 per annum. As per the scheme evolved for admission to the colleges, admission to the above-mentioned 2300 seats will not be affected in any way by the establishment of the self-financing Engineering Colleges. Admission to the above-mentioned 2300 seats is made depending solely on the rank obtained by the students in the Entrance Examination conducted by the Commissioner for Entrance Examinations subject to the rules of reservation. The State Government, it is conceded, has no resource to start new colleges.

12. According to the learned Counsel representing I.H.R.D.E. and L.B.S. Centre and the learned Additional Advocate General, the State Government have a constitutional obligation to make effective provision for education. In discharge of this constitutional mandate, the State Government evolved a scheme to establish two societies registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. These societies are instrumentalities of Government. They started self-financing colleges on no loss no profit basis.

When an instrumentality of the State starts a self-financing college, that cannot be termed as commercialisation of education, which was found objectionable by the Supreme Court in *Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc.*, Government of Kerala resorted to this venture only to help the bright students in Kerala from seeking admission in colleges situated in the neighbouring States on payment of Capitation Fee. Such a venture can under no circumstance be treated as one coming within the purview of *Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc.*, . This stand taken by the societies and the State is disputed by learned Counsel representing the Petitioners in these Original Petitions. According to them, as per the order of Government dated 8th June 1994 the colleges established by I.H.R.D.E. and L.B.S. Centre are Government colleges. For admission to these colleges, no deposit can be "taken. Nor can a higher rate of tuition fee be levied. Admission to the college must be strictly in consonance with the provisions contained in Articles Hand 15(4) of the Constitution of India. The method of selection of candidates for admission to the course in the colleges run by I.H.R.D.E. and L.B.S. Centre is, therefore, illegal and has to be interfered with. Alternatively it was contended by learned Counsel that I.H.R.D.E. and L.B.S. Centre are to be treated as private institutions running Engineering colleges. These colleges require affiliation from the concerned universities. They have to satisfy the requirements and standards fixed by the A.I.C.T.E. The scheme evolved by these societies axe contrary to the guidelines fixed by A.I.C.T.E. Since these colleges require affiliation from the University, they must satisfy the scheme evolved by the Supreme Court in *Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc.*, . 50 percent of the seats must be made free seats. Seats that can be reserved for the dependents (sons and daughters) of Non-Resident Indians cannot exceed 5 percent of the total seats. On this account also the method resorted to by I.H.R.D E. and L.B.S. Centre are unsustainable.

13. The main thrust of the argument advanced by the two societies- I.H.R.D.E. and L.B.S. Centre is that the colleges run by them are self-financing educational institutions. They are run by instrumentalities of the State Government. Such institutions are not coining within the purview of the decision in *Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc.*,

14. In *Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc.*, , in paragraph 196 in the reports in S.C.C., Their Lordships dealt with."self-financing educational institutions" and "cost-based educational institutions". After posing various questions relating to self-financing system, Their Lordships observed:

Both in the light of our tradition and from the standpoint of interest of general public, commercialisation is positively harmful, it is opposed to public policy.

Thereafter Their Lordships went on to examine as to how to encourage private educational institutions without allowing them to commercialise education. While dealing with this issue, Their Lordships were categoric in stating that no person

shall be allowed to steal a march over a meritorious candidate because of his economic power. When the two societies before us are offering admission to the students purely based on economic capacity to, pay the higher fee and make a refundable interest free deposit of Rupees one Lakh, can we say that they are not allowing a candidate to steal a march over the meritorious one? Petitioners in O.P. 10925 of 1994, O.P. 10731 of 1994 and the second Petitioner in O.P. 10926 of 1994 secured higher ranks in the Entrance Examination compared to those who got admission to these colleges. That was solely on account of the paying capacity or the economic power of their guardians. No seat in these colleges is made "free seat" as understood by the Supreme Court in Unnikrishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., All seats are "payment seats".

15. Before proceeding further, we would like to examine the nature of the educational institutions established by the two societies, viz., I.H.R.D.E, and L.B.S. Centre. They are institutions set up by two societies. They require recognition and affiliation from A.I.C.T.E. and the Universities. They are not to be treated as colleges run by Government or Universities. So, according to us, they are coming within the scheme laid down by the Supreme Court in Unnikrishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., . Colleges of Engineering and colleges and institutions imparting technical education, including Electronics and Computer Science, come within the expression "professional colleges" in the scheme evolved therein. Therefore, the colleges run by these societies are, no doubt, professional colleges. The societies, according to them, are independent of the Government. So, these professional colleges must necessarily be controlled by the scheme. Clause (2) of the scheme provides that at least 50 percent of the seats in every professional college should be filled by candidates on the basis of their higher rank in the Entrance Examination and to be treated as "free seats". The remaining 50 per cent payment seats alone can be set apart for candidates who can afford to pay higher tuition fee and make deposit.

16. The societies are now reserving 15 percent of the total seats for the sons and daughters of Non-Resident Indians. According to the learned Counsel representing the Petitioners in these Original Petitions, this reservation is against the specific direction given by the Supreme Court. In Unnikrishnan P.J. and Others Vs. State of A.P. and Others, , Their Lordships took the view that five seats reserved for Non-Resident Indian students shall be out of the 50 payment seats. These Non-Resident Indian students were not to take Entrance Examination. In T.M.A. Pai Foundation and Others (I) Vs. State of Karnataka and Others, , the Court had to consider the quota to be allotted for foreign students during the year 1993-94. Their Lordships raised their quota to 15 percent to both Non-Resident Indians as well as foreign students. But, it was made clear that that was a special provision made only for that year, being an year of transition. Regarding cash deposit or bank guarantee to be made by a candidate seeking admission as per the scheme evolved in Unnikrishnan, J.P. and others Vs. State

of Andhra Pradesh and others etc. etc., , it was held in paragraph 32 of the Order that that practice should be discontinued. Their Lordships stated that Clause (5) and (7) in the scheme in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., stand deleted,. After the said decision of T.M.A. Pai Foundation and Others (I) Vs. State of Karnataka and Others, , no educational agency can ask for a cash deposit. It means that the insistence by the societies of Rupees one Lakh interest free deposit is against the specific direction given by the Supreme Court.

17. In Dr. T.M.A. Pai Foundation and others Vs. State of Karnataka and others, the Supreme Court had to consider the percentage of seats that can be set apart for the dependents of Non-Resident Indians. Their Lordships observed:

Insofar as Non-Resident Indians and foreign students are concerned, the permissible limit would be only 5 percent of the total intake for a given year as per the direction contained in paragraph 6 of the order dated May 14, 1993 Unnikrishnan P.J. and Others Vs. State of A.P. and Others,] as modified by order dated August 18, 1993. The admission against these seats shall be made on the basis of merit but it would be open for the management of the institution to adjudge the merit of the candidates having regard to the relevant factors.

From this, it is clear that the societies can reserve only 5 percent of the seats for admitting" candidates related to Non-Resident Indians.

18. An argument was advanced by learned Counsel representing the societies-I.H.R.D.E. and L.B.S. Centre-that these societies were established by the State Government in order to implement the constitutional mandate contained in Articles 41, 45 and 46 of the Constitution. According to Counsel, when the State finds it difficult to provide funds for establishing new educational institutions, they can set up public bodies and those bodies can be directed to establish educational institutions by raising funds from the candidates who seek admission. If such a venture is resorted to, according to Counsel, it will not result in commercialisation of education. This argument, we are afraid, cannot be accepted. What Article 41 inter alia states is that the State shall, within the limits of its economic capacity and development, make effective provisions for securing the right to education. It means that the State should make effective provision within the limits of its economic capacity. According to us, the Constitution does not insist on spending more money beyond its economic capacity for securing the right to education. When the State ventures into establishing institutions for imparting higher education through independent instrumentalities, those institutions would require affiliation from the University and bodies like A.I.C.T.E. When the question of affiliation comes in, these institutions stand on similar footing like any other private educational agency. They must comply with the scheme evolved by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., These societies cannot claim higher fee and deposit in respect of all seats other than those reserved for Scheduled Caste and Scheduled Tribes and N.R.Is. as though they are neither Government

institutions or institutions established by private agencies. Institutions established by Government and Universities stand on the same footing. They are to follow the principles contained in Articles 14 and 15(4) of the Constitution. They cannot charge higher fees or deposits. All educational institutions other than those belonging to State and Universities should have recognition or affiliation from the State and the University. They squarely come within the purview of the scheme in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., .

19. Central Government enacted All India Council for Technical Education Act, 1987 (Act 52 of 1987). That Act was one for the establishment of All India Council for Technical Education with a view to the proper planning and co-ordinated development of the technical education system throughout the country. Council is enjoined to take all steps for the promotion of qualitative improvement of the technical education and for the proper maintenance of norms and standards in the technical education system, Section 10 of the Act, while dealing with the powers and functions of the Council, authorised the Council to grant approval for starting new technical institutions and for introduction of new courses or programmes. It has to take all necessary steps to prevent commercialisation of technical education. When that Council was addressed regarding the recognition of the College of Engineering, Chengannur, they informed Technical Education of Kerala Government that no new course should be started without the prior approval of the A.I.C.T.E., that adequate fund shall be made available with the institution to meet its financial obligations of recurring and non-recurring nature as prescribed by A.I.C.T.E., and that the institution shall not charge any Capitation Fee or donation for admission or other higher charges from the students. It also stated that admission shall be made on merits and as per the norms and guidelines of A.I.C.T.E. The communication concluded by saying:

The approval is further subject to full compliance with the SCHEME as prescribed by the Supreme Court in its judgment dated 4th February 1993 with regard to W.P. (C) No. 607 of 1992 in the case of Unnikrishnan, U.P. and Ors. etc. etc., v. State of Andhra Pradesh and Ors. etc., and later judgments, and the related guidelines and criteria as may be issued by the A.I.C.T.E., U.G.C. or the Central Government from time to time.

We are pained to see that this direction given by the A.I.C.T.E. has not been taken into consideration by the two societies which are now canvassing for the position that they are outside the scheme fixed by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., .

20. A Bench of this Court, to which one of us (V.V. Kamat, J.) was a party, had to consider the question as to why colleges established by the State or the University be not bound by the decision of Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., in O.P. 3359 of 1994. The Bench observed:

The question of free seats has its own peculiar characteristics not requiring consideration of material separate and independent as far as the colleges established by the State Government and the Universities are concerned. For the purposes of right to claim free seats both the colleges established by the State Government or the University on the one hand and the other private medical colleges contemplated under the scheme in question considered by the Supreme Court stand on one and the same footing and therefore are entitled to protection under Article 14 of the Constitution of India.

The Bench went on to examine whether those who are recognised and accepted to be entitled to free education under a policy accepted and applied to a set of situation which is similar in all respects to the school in question, whether the denial of the same legal right to the Petitioner therein would be discriminatory. The answer was in the affirmative. The Bench took the view that the institution started by the University must have 50 percent of the seats as free seats and the remaining 50 alone to be treated as payment seats. We are of the opinion that that decision binds us.

21. A question may arise as to what would be the fate of students who have already been admitted to the various courses of study. From the facts now placed before Court, it is proved beyond doubt that candidates were admitted to the various courses of study ignoring the specific directions given by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., Their admission is therefore illegal. The persons who got admission illegally are not to get the admission protected or regularised. If this Court is not to interfere with their admission, it will encourage indiscipline. At this juncture, we feel that it is appropriate to quote the following observation made by the Supreme Court in State of Maharashtra and others Vs. Admane Anita Moti and others, :

Such misplaced equities encourage indiscipline and the managements of those educational institutions which are gradually degenerating and converting such institution into commercial houses, flout the orders of educational authorities and the Government, fleece the students and their parents and then leave the students to invoke sympathy of the Court to protect them from the exploitation suffered by them and save their career from being ruined.

Students, who have just got the admission in the colleges run by I.H.R.D.E. and L.B.S. Centre, cannot plead for any equity because their admission to the course was against the law laid down by the Supreme Court.

In view of what has been stated above, we hold that the scheme evolved by the two societies-I.H.R.D.E. and L.B.S. Centre-for the admission to the courses in their colleges are against those laid down by the Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., . Therefore, we quash the entire selection made to the course during 1994-1995 and direct the authorities to select candidates afresh in strict compliance with the

principles in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., .

Original Petitions are disposed of accordingly.