

(1993) 09 MAD CK 0058
In the Madras High Court

Sumitha Srinivasan

APPELLANT

Vs

The Registrar, Anna University and Another

RESPONDENT

Date of Decision : 21-09-1993

Acts Referred:

Citation : (1993) 2 LW 625 : (1994) 1 MLJ 158

Hon'ble Judges : K.A. Swami, C.J

Bench : Division Bench

Judgement

K.A. Swami, C.J.—Though C.M.P. Nos. 5501 and 5502 of 1993 filed in the writ appeal have come up for orders, as the arguments in

both the G.M.Ps. and the writ appeal are going to be one and the same, we have heard the writ appeal itself for final disposal.

2. This appeal is preferred against the order dated 22nd December, 1992 passed by the learned single Judge in W.P. No. 19289 of 1992.

Learned single Judge has rejected the writ petition. Therefore, the petitioner has come up in writ appeal.

3. In the writ petition, the petitioner has sought for issue of a writ in the nature of mandamus directing the respondents to admit her to the first year

of B.Tech. (Industrial Bio-Technology) Degree Course in Anna University, Madras, for the year 1992-93. The admissions were made on the basis

of the results of the entrance examination. The petitioner belongs to scheduled caste category. She did not secure marks sufficient to be admitted in

the first round itself. Therefore, she was to wait till the vacancy arose in the seats reserved for Scheduled Castes. Such a vacancy arose only on 7th

November, 1992, whereas the first semester course commenced on 5.8.1992. Therefore, the University pleaded its inability to admit her, because

the first semester was to come to a close. As per the programme, produced at pages 89 to 92 of the typed set of pages, the first semester course

commenced on 5.8.1992 and the last working day of the first semester was 1.12.1992. The second semester was to commence on 30th

December, 1992 and the last day of the terms was 18.6.1993. As already pointed out, the vacancy in the seat reserved for Scheduled Castes to

which the petitioner was entitled, arose only on 7.11.1992 a few days prior to the closure of the first semester. Learned single Judge following the

two decisions of the Supreme Court in Dr. Subodh Nautiyal Vs. State of U.P. and others, and State of Uttar Pradesh and others Vs. Dr. Anupam

Gupta, etc., , has declined to grant the relief.

4. The contention urged before us is that if only the petitionere/appellant would have been admitted in November, 1992 to the first semester

course, when vacancy in the seat arose, she could have very well attended the summer course and earned sufficient successful credits for

promotion to the second semester and would have been able to continue the course.

5. The question for consideration is as to whether at the close of the first semester, the appellant could have been admitted. It maybe relevant to

notice that it is a technical course leading to B.Tech. in Industrial Bio Technology. More or less, under the similar circumstances, when the High

Court issued a direction to admit a student to a medical course, the Supreme Court interfered with such a direction and held in State of Uttar

Pradesh and others Vs. Dr. Anupam Gupta, etc., , as follows:

Considering from this point of view, to maintain excellence the course have to be commenced on Schedule and to be completed within the

schedule, so that the students would have full opportunity to study full course to meet their excellence and come at par excellence. Admission in the

midstream would disturb the courses and also works an hadicap to the candidates themselves to achieve excellence. Considering from this

pragmatic point ofview we are of the considered opinion that vacancies of the seats would not be taken as a ground to give admission and

direction by the High Court to admit the candidates into those vacant seats cannot be sustained.

Similarly, in Dr. Subodh Nautiyal Vs. State of U.P. and others, , the Supreme

Court held that even though the course had started in September, the course being a technical course, to admit a student 4 months after the commencement of the course, would not at all be correct. That being so, it is not possible to hold that the learned single Judge is not justified in refusing to grant the relief.

6. It is contended that, atleast, a direction he issued to admit the petitioner in the first semester of the same course during the academic year 1993-

94. It may be pointed out that every year, the admission is made on the results of the entrance examination held-for that purpose. Accordingly, it is

stated that this year also, the petitioner appeared for the examination but she has not been able to secure the marks sufficient to admit her in the

quota reserved for scheduled castes. Moreover, such a direction can be made only on coming to a conclusion that the denial of admission to the

appellant is not justified in law. As already pointed out, the denial cannot be held to be illegal, having regard to the fact that seat fell vacant only in

the month of November, 1992 when the first semester was to come to a close. Therefore, the court finds it difficult to issue a direction to the

respondents to admit the appellant in the first semester of the same course during the academic year 1993-94.

7. For the reasons stated above, the appeal fails and the same is dismissed. However, there will/shall be no order as to costs. Consequently, no

order is necessary in the civil miscellaneous petitions.