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C. Srithar Vs. the Director / Commissioner of Technical Education and Another

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Court : Chennai

Decided On : Sep-12-2012

Judge : D. Hariparanthaman

Appeal No. : W.P. No. 705 of 2012 & M.P. No. 1 of 2012

Appellant : C. Srithar

Respondent : The Director / Commissioner of Technical Education and Another

Advocate for Pet/Ap. : For the Petitioner: L. Chandrakumar Advocate. For the Respondents: R1, R. Vijayakumar, AGP, R2, No Appearance.

Judgement :

(Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of mandamus to direct the respondents to allow the petitioner to continue and complete the MBA Degree Course 2011-13 pursuant to the provisional selection and allotment for the MBA course in the 2nd respondent Institute by permitting him to take part in the 1st and 2nd year MBA course examinations and to publish the results thereto along with others.)

1. The petitioner applied for MBA course through Tamil Nadu Common Entrance Test. He was successful in the test and he was allotted to the 2nd respondent College in the counselling. Later, the 1st respondent refused to approve the

admission. Under such circumstances, the petitioner has filed this writ petition seeking for a direction to allow him to continue and complete the MBA Degree Course, pursuant to the provisional selection and allotment in the 2nd respondent College.

2. The 1st respondent filed a counter affidavit refuting the allegations. It is stated that the eligibility norms for MBA Course are as follows:-

"A pass in

(a) Any recognized Bachelor's degree with minimum 3 years duration in 10+2+3/4 years pattern

(or)

(b) Any recognized Bachelor's degree in 10+3 years Diploma + 3 years pattern

(c) B.E./B.Tech./B.Arch./B.Pharm degree"

The petitioner did not undergo 3 years degree course in a regular method and on the other hand, a dual degree was obtained by him for B.Sc. Hospitality and Hotel Management (Dual Mode) under Tamil Nadu Open University. Since the petitioner did not obtain the required degree in a regular method, the 1st respondent did not approve the admission. It is further stated that the Tamil Nadu MBA/MCA Co-ordination Committee resolved in its meeting not to approve the admission of candidates who have qualified in Bsc., Hospitality and Hotel Administration/Catering Technology under Dual Mode under Tamil Nadu Open University. It is also stated that regular students who studied B.Sc. Degree Course in Hospitality/Hotel Administration would have a different programme of study.

3. Heard both sides.

4. It is not in dispute that the petitioner has been awarded Diploma in Hotel Management and Catering Technology by the State Board of Technical Education and Training, during April 2008. He has also been awarded B.Sc. Degree in Hospitality and Hotel Management by the Tamil Nadu Open University during April 2008, i.e., while he underwent diploma course, he also pursued studies under

Open University system for B.Sc. Degree Course.

5. The eligibility norms for MBA course were prescribed as follows:-

"A pass in

(a) Any recognized Bachelor's degree with minimum 3 years duration in 10+2+3/4 years pattern

(or)

(b) Any recognized Bachelor's degree in 10+3 years Diploma + 3 years pattern

(c) B.E./B.Tech./B.Arch./B.Pharm degree"

Admittedly, the petitioner did not have minimum 3 years duration in the degree course. Tamil Nadu MBA/MCA Co-ordination Committee also resolved not to approve the admission of candidates who have qualified in B.Sc. Hospitality and Hotel Administration/Catering Technology under Dual Mode under Tamil Nadu Open University. The relevant passage from paragraph 13 of the Counter is also extracted hereunder:-

"13. It is submitted that the above resolution of the Committee was made after thorough analysis of the curriculum content of B.Sc. Degree in Hospitality and Hotel Administration offered by TNOU. The curriculum merely contains two subjects per year and totally 6 subjects for the entire duration of the B.Sc. Course.....".

It is well settled that it is not for this Court to prescribe the eligibility criteria for admission to a particular course. When the petitioner does not possess the requisite qualification, I do not find any infirmity in the decision of the 1st respondent in not approving his admission of the writ petitioner. It is not the case of the petitioner that he is having qualification, but the 1st respondent has not approved the admission. On the other hand, his case is that he was permitted to face the Tamil Nadu Common Entrance Test and therefore, his admission should be approved. A person not eligible to apply for the test could not seek admission on the ground that he was permitted to appear for the test. In such circumstances,

I do not find any merit in the writ petition.

6. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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