

**Kasthuri Vs. 1.The Commissioner of Technical Education,**

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**SooperKanoon Citation :** [sooperkanoon.com/964570](http://sooperkanoon.com/964570)

**Court :** Chennai

**Decided On :** Apr-26-2013

**Judge :** D.Hariparanthaman

**Appellant :** Kasthuri

**Respondent :** 1.The Commissioner of Technical Education,

**Judgement :**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

26. 04/2013 CORAM THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN  
W.P.(MD).No.14808 of 2012 and M.P.(MD).Nos.1 and 2 of 2012 Kasthuri ..  
Petitioner Vs 1.The Commissioner of Technical Education, Chennai-600 025.  
2.The Principal, 3846, Mother Terasa College of Engineering and Technology,  
Mettusalai, Illuppur-622 102, Pudukkottai District. .. Respondents Prayer Writ  
Petition is filed under Article 226 of the Constitution of India to issue a Writ of  
Certiorarified Mandamus calling for the records of the 1st respondent in his  
proceedings letter nO.41342/J2/2012 dated 05.10.2012 and quash the same and  
consequently direct the respondents to permit the petitioner's son by name  
K.Anandh to attend classes in the 1st year B.E., Mechanical Engineering Course in  
the college of the 2nd respondent. !For Petitioner ...Mr.T.M.Madasamy ^For  
Respondents ...Mrs.S.Bharathi for R1 Government Advocate  
Mr.R.P.Ramachandran for R2 :ORDER The petitioner obtained 38% in the +2  
examinations. The petitioner belongs to Scheduled Caste Community. AICTE  
prescribed 40% marks as minimum marks for admission in engineering course.

But, the petitioner was admitted in the engineering course during the year 2012-13. However, her admission was not approved by the first respondent in the order dated 05.10.2012. The same is challenged in this writ petition.

2. The issue was considered by this First Bench of this Court in W.A.No.1794 of 2012, dated 17.04.2013. Paragraph 37 of the order is relevant for the purpose of this case. The same is extracted hereunder:- "Before parting, we may mention here that vide order dated 22nd August, 2012 passed in the present writ appeal and writ petition, this Court directed the parties to the writ appeal and writ petition to maintain status quo. Interim order was also operating during the pendency of the writ petition before the learned single Judge. Students belonging to SC/SC(A)/ST candidates, who have obtained 35% marks, but less than 40% marks, in the 10+2 examinations, got admission in the Engineering Colleges in the State of Tamil Nadu and at present they are pursuing their studies. Hence, all such admissions made during the years 2011-12 and 2012-13 in respect of SC/SC(A)/ST candidates shall not be disturbed, and they shall be allowed to pursue their course as per the statutory provisions applicable in the respective Engineering Colleges." 3. In view of the above, the impugned order is quashed and the writ petition is allowed. The respondents are directed to permit the petitioner to continue the course. No costs. Consequently, connected miscellaneous petitions are closed. jkr To 1.The Commissioner of Technical Education, Chennai-600 025. 2.The Principal, 3846, Mother Teresa College of Engineering and Technology, Mettusalai, Illuppur-622 102, Pudukkottai District.

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