

SUPREME COURT OF INDIA

Mathammal Sheela Engg. College

Vs.

State of T.N.

(G Pattanaik and U Banerjee JJ.)

23.07.1999

ORDER

1. These special leave petitions are directed against the interim order of the Division Bench of the Madras High Court while letters Patent Appeals are pending before the High Court.
2. Normally this Court does not interfere with the interim orders but this being in relation to admission to several technical institutions in the State and in view of the controversy raised by the parties we think (sic) appropriate to deal with the matter particularly when (sic) this Court has entertained such matters and issued directions from time to time. The writ petitions were filed in the High Court of Madras assailing the legality of the Government Order G.O. Ms. No. 220 which was issued by the Department of Higher Education on 1.6.1998 just at the threshold of the academic session.
3. During the pendency of the writ petitions before the learned Single Judge. Govt. of Tamil Nadu modified the said order and issued another Govt. Order i.e. G.O. Ms. 172 dated 26.4.1999. The learned Single Judge has dismissed the writ applications by upholding the validity of those orders and the Division Bench in appeal is considering the validity of the aforesaid judgment and order of the learned Single Judge while the appeal is pending the Division Bench has passed an interim order to regulate admissions for this academic session by order dated 10th June, 1999. Mr. Venugopal, learned senior counsel and several other learned counsel appearing for these minority institutions strongly object to the proviso to Clause (c) as well as Clause (1) of paragraph 7 of the order. Mr. Ganguli learned senior counsel appearing for the State of Tamil Nadu however contended that the order is fully justified and there is no reason why same should be vacated by this Court.
4. Having heard the learned counsel for the parties and having perused several earlier orders of this

Court, we are of the opinion that in Clause (c) in the proviso the expression "as also the State of origin should not be there and accordingly, we delete the same. Necessarily, therefore, the linguistic or religious minority institutions will have to grant admission to candidates belonging to the minority community from and within the State of Tamil Nadu at the first instance and in respect of remaining vacant seats. It will be open to such institutions to grant admission to candidates belonging to the minority community hailing from outside if the minority community is recognised as such in the State of Tamil Nadu. So far as Clause (I) is concerned in modification of the impugned order of the High Court, we direct that all seats remaining vacant and unfilled by minority institutions after 31st of August should be intimated to the Director of Technical Education who can fill them up under the Single Window System. But that must be done within a period of three weeks from the date on the communication and after three weeks from the date of the communication received by the Director of Technical Education, if those seats are not filled up by the Government concerned then such minority institutions would be free to till them up by their own candidates.

5. Mr. Venugopal also submitted that large number of seats from the Government quota are also remaining vacant and it would be in the larger interest of all concerned that some direction should be given in respect of those seats. Mr. Ganguli, learned senior counsel appearing for the State of Tamil Nadu vehemently objected for any such direction being given on the ground that it was not an issue before the High Court. It is true that in dealing with the legality of the Government Orders i.e. G.O.Ms. No. 220 dated 1.6.1998 and G.O.Ms. No. 172 dated 26.4.1999 this question never came up. But we cannot shut our eyes to the assertion that several Government seats are lying vacant and the students are suffering. In that view of the matter, we direct that any seats belonging to the 50% Govt. quota which is not filled up by the Govt. or the appropriate authority by 30th September 1999, it will be open for those minority institutions to fill up their own candidates belonging to the minority communities. We are told that conciliation for filling up seats available under 50% Govt. quota starts in September.

6. Needless to mention in any event there should not be any admission after 15th of October, 1999.

7. We are not expressing any opinion on the merits of this matter.

8. These special leave petitions are disposed of accordingly.