

ITEM NO.5

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 27475/2016

(Arising out of impugned final judgment and order dated 01/09/2016  
in WA No. 1236/2016 passed by the High Court Of Madras At Madurai)

THE VICE CHANCELLOR AND CHAIRMAN BOARD OF MANAGEMENT  
TAMIL NADU AGRICULTURAL UNIVERSITY AND ANR. Petitioner(s)

VERSUS

SREE KRISHNA EDUCATION TRUST AND ORS. Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and  
interim relief and office report)

Date : 10/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Mukul Rohagi, AG  
Mr. subramonium Prasad, Sr. Adv.  
Mr. Abdul Saleem, Adv.  
Mr. M. Yogesh Kanna, AOR  
Ms. Nidhya, Ad.  
Ms. Maha Lakshmi, Adv.  
Mr. Partha Sarthi, Adv.

For Respondent(s) Dr. Rajeev Dhawan, Sr. Adv.  
Mr. Isaac Mohanlal, Sr. Adv.  
Mr. Sadiq Raja, Adv.  
Mr. Romy Chacko, Adv.  
Mr. T.R.B. Sivakumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Signature Not Verified

Digitally signed by  
SILKARAN KUMAR  
ANORA  
Date: 2017.03.25  
12:17:26 IST  
Reason:

On 20.2.2017, when this matter was listed, this Court had  
passed the following order :

"It is submitted by Mr. Mukul Rohatgi, learned  
Attorney General appearing for the petitioner

that in the meantime inspection of the institution has been done and the report is being prepared. According to Mr. Rohatgi, certain deficiencies still remain.

Let the status report be filed in the Court within a week hence after serving a copy of the same on the learned counsel for the respondent.

Let the matter be listed on 10.3.2017."

It is submitted by Mr. Mukul Rohatgi, learned Attorney General for India that the institution still has certain deficiencies and it is required to make them good. Dr. Rajeev Dhawan, learned senior counsel, being assisted by Mr. T.R.B. Sivakumar, learned counsel for the respondents does not dispute the deficiencies. However, he expresses his concern about the 21 students who had been admitted.

Having heard learned counsel for the parties, we find that two issues emerge :

1. Whether the Institution could have granted admission to 21 students without deficiencies being removed and affiliation being granted.
2. If the deficiencies are removed and eventually affiliation is granted, what can be done to meet the ends of justice as far as the 21 students are concerned.

It is submitted by Dr. Dhawan, learned senior counsel that the students who had been admitted by the institution meet the eligibility criteria. Regard being had to the same we are inclined to direct that the appellant-university shall inspect the institution within 12 weeks within which period the institution can remove the deficiencies. In case the deficiencies are removed, affiliation shall be granted in respect of the seats, which had been curtailed, for the academic session 2017-2018. Needless to say, the initial fixation of quota of students qua the respondent-institution was 120 seats which has been presently



curtailed to 60 seats. Be that as it may, as far as the 21 students are concerned, if affiliation is granted, they shall be admitted to the academic course for the next academic session 2017-2018, if they meet the eligibility criteria without going through the admission process. We may repeat at the cost of repetition and for the sake of clarity that when we say that 21 students will be admitted in the next academic session, their academic session shall commence from that year and, therefore, they cannot take the benefit or claim any benefit for the period they had already taken admission and allegedly pursued the course.

With the aforesaid modification in the order passed by the High Court, the special leave petition stands disposed of. There shall be no order as to costs.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master