

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY ,THE 01ST DAY OF APRIL 2019 / 11TH CHAITHRA, 1941

WP (C) .No. 5992 of 2019

PETITIONER/S:

ABHIJIT K.K. ,
AGED 19 YEARS ,
S/O. BINESH BABU K.K,
KOLLARKANDY HOUSE, KANNANCHERI ,
KALLAVI POST, PANNIYANKARA,
KOZHIKODE-673 003.

BY ADVS.
SRI.P.T.MOHANKUMAR
KUM.LAYA MARY JOSEPH
SMT.BOBY M.SEKHAR
SRI.C.M.ANDREWS
SRI.SHYAM PADMAN

RESPONDENT/S:

1 UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
HIGHER EDUCATION,
MINISTRY OF HUMAN RESOURCES DEVELOPMENT,
GOVERNMENT OF INDIA, 127-C, SHASTRI BHAWAN,
NEW DELHI-110 001.

2 COUNCIL OF ARCHITECTURE,
REPRESENTED BY ITS REGISTRAR,
INDIA HABITAT CENTRE, CORE 6A,
1ST FLOOR, LODHI ROAD,
NEW DELHI-110 003.

R1 BY SRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01.04.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed by the petitioner seeking a writ of mandamus, commanding the respondents to afford opportunity to attend the National Aptitude Test in Architecture (NATA), scheduled to be conducted during the current academic year, after holding that petitioner was qualified as per the norms in Ext.P3 brochure released on 03.01.2018, and that the revised eligibility criteria published through Ext.P2 brochure released on 12.02.2019 is not applicable to the petitioner. Brief material facts for the disposal of the writ petition are as follows:

2. Petitioner is an eligible candidate for attending NATA examination to be conducted by the 2nd respondent, a competitive examination for securing admission to Architecture Degree Course, in view of the eligibility norms published as per Ext.P3 brochure. Petitioner passed the Senior School Certificate Examination in the year 2018. According to the petitioner, when the petitioner was about to submit application for the above examination, it is seen that the eligibility norm is re-fixed in Ext.P2, to the effect that only candidates securing 50% marks in the aggregate in Physics, Chemistry and Mathematics alone

are qualified to the said examination. Therefore, the qualification so prescribed all on a sudden deviating from Ext.P3 brochure is creating serious prejudice to the petitioner and other similarly situated students in participating in the entrance examination. It is also submitted that, since the eligibility criteria is changed all on a sudden, same is arbitrary and illegal, liable to be interfered with by this Court exercising the power of judicial review under Article 226 of the Constitution of India.

3. I have heard learned counsel for the petitioner and the learned ASGI appearing for the respondents, and perused the pleadings and the documents on record.

4. The eligibility criteria contained under Clause 5.0 of Ext.P3 brochure is as follows:

"5.0 Eligibility Criteria for Candidates

5.1 Taking NATA-2018

Candidates may come from the following backgrounds:

- (a) 10+2 or equivalent passed/appearing;*
- (b) 10+3 Diploma (any stream) passed/appearing recognized by Central/State Governments;*
- (c) International Baccalaureate Diploma passed/appearing, after 10 years of Schooling.*

QUALIFYING IN NATA-2018 DOES NOT CONSTITUTE A RIGHT/GUARANTEE IN FAVOUR OF THE CANDIDATE FOR HIS/HER ADMISSION TO ANY ARCHITECTURE COURSE UNLESS HE/SHE HAS FULFILLED ALL THE PRESCRIBED REQUIREMENTS AS SPECIFIED BY RESPECTIVE COUNSELLING AND ADMISSION AUTHORITIES.

Only candidates who have the following credentials shall be eligible for admission to B.Arch. Course.

i. Qualified a recognized aptitude test in Architecture (NATA or equivalent) in 2018.

ii. Have gone through any of the following curriculum with marks as prescribed below:

(a) 10+2 or equivalent examination of Central/State Govts. with 50% aggregate marks and with Mathematics as a compulsory subject of examination; OR

(b) 10+3 Diploma (any stream) recognized by Central/State Govts. with 50% aggregate marks with Mathematics as a compulsory subject of examination; OR

(c) International Baccalaureate Diploma passed/appearing, after 10 years of Schooling with 50% marks in aggregate and with Mathematics as compulsory subject of examination".

Whereas, as per Clause 5.0 of Eligibility Criteria for candidates in Ext.P2 brochure for the year 2019 is as follows:

"5.0 Eligibility Criteria for Candidates

5.1 Taking NATA-2019

Candidates may come from the following backgrounds:

(a) *No candidate shall be admitted to architecture course unless she/he has passed an examination at the end of the 10+2 scheme of examination with at least 50% aggregate marks in Physics, Chemistry & Mathematics and also at least 50% marks in aggregate of the 10+2 level

examination passed 10+3 Diploma Examination with Mathematics as compulsory subject with at least 50% marks in aggregate; (those appearing the 10+2 exam with PCM subjects in the current year may also provisionally appear in the exam, however, their result in NATA-2019 will be declared valid subject to fulfilling the above criteria).

*(*As approved by the Central Government vide letter F.No.4-65/2016-TS.VI dated 12.02.2019)."*

5. According to the petitioner, evident from Ext.P1 mark list, petitioner has got 54.4% marks. Therefore, as per Ext.P3 brochure, petitioner is qualified to participate in the National Test, since the only criteria fixed was 10+2 or equivalent examination of Central/State Governments with 50% aggregate marks and with Mathematics as a compulsory subject of examination, so far as the stream of the petitioner is concerned. However, as per Ext.P2 brochure, no candidate shall be admitted to Architecture course, unless a candidate has passed an examination at the end of 10+2 scheme of examination with at least 50% aggregate marks in Physics, Chemistry and Mathematics and also at least 50% marks in aggregate of the 10+2 level examination. The paramount contention advanced by learned counsel for the petitioner is that, Ext.P2 brochure is issued only on 12.02.2019, deviating from the eligibility criteria fixed under Ext.P3, and therefore, the candidates who

have pursued their studies aiming to participate in the aptitude test as per Ext.P3 brochure have lost their opportunity consequent to change in the eligibility criteria.

6. *Per contra*, learned ASGI appearing for the respondents submitted that, Ext.P2 eligibility criteria was actually published in the year 2017 and the same was released on 12.02.2019. Therefore, it cannot be said that petitioner was not aware of the qualification prescribed for participating in the Aptitude Test.

7. I have considered the rival submissions made across the Bar. In my considered opinion, the Aptitude Test is conducted at the national level in order to provide admission to Architecture Course. It is for the statutory authority to fix the eligibility criteria so as to conduct the Aptitude Test, fixing the qualification and eligibility. The only contention put forth by the petitioner is that, the eligibility criteria is launched deviating from Ext.P3 brochure of 2018, during the year 2019, and therefore, petitioner could not prepare himself so as to have the qualification as is prescribed under Ext.P2 brochure. However, petitioner has no case that the eligibility criteria is changed so as to defeat the interest of the

students. Merely because an additional eligibility is provided, deviating from Ext.P3 brochure, that cannot be said to be illegal or arbitrary or in any manner with the intention of prejudicing the right of the petitioner. It is also the case of the respondents that the eligibility criteria was actually fixed during the year 2017, and it was launched only with effect from 12.02.2019, and all these details and aspects are available at the site of the 2nd respondent. Moreover, the brochures are fixed by educational experts taking into account various factors, including the standard to be maintained in the matter of participating in the Aptitude Test.

Assimilating the factual and legal situations, I am of the considered opinion that, petitioner has not made out any case justifying interference of this Court under Article 226 of the Constitution of India. Accordingly, the writ petition will stand dismissed.

sd/-

SHAJI P.CHALY

JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1** TRUE COPY OF THE SSC MARK LIST OF THE PETITIONER.
- EXHIBIT P2** TRUE COPY OF THE BROCHURE RELEASED BY THE RESPONDENT NO.2, DATED 12.02.2019.
- EXHIBIT P3** TRUE COPY OF THE RELEVANT PAGES OF THE BROCHURE, RELEASED ON 03.01.2018.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-