

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. (S).2884 OF 2006

BHARATHIDASAN INSTITUTE OF MANAGEMENT Appellant(s)

VERSUS

STATE OF TAMIL NADU & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. (S).2885 OF 2006

JANSONS SCHOOL OF BUSINESS Appellant(s)
SPONSORED BY ANSONS FOUNDATION

VERSUS

STATE OF TAMIL NADU & ORS. Respondent(s)

O R D E R

These appeals arise out of a judgment and order dated 24th November, 2004 passed by a Single Judge of the High Court of Judicature at Madras whereby the High Court has disposed off Writ Petition No.22258 of 2004 filed by K. Srinivasan, respondent herein, with the observations that the process of selection adopted by the appellant-institution for MBA course for the years 2004-06 was not in consonance with the selection process prescribed by this Court. Having said that the High Court dismissed the writ petition as it did not find the case to be a fit for its interference. The writ petition was in the ultimate analysis dismissed without any order as to costs.

Mr. Mohan Parasaran, learned senior counsel, appearing for the appellants, argued that although the writ petition filed by the aggrieved candidate before the High Court has been eventually dismissed by the High Court yet certain observations made in the impugned judgment are likely to affect the appellants insofar as the validity of the process of selection adopted by them is concerned. He submitted that the High Court was not correct in holding that the procedure adopted by the Institution in respect of MBA admissions was in any manner contrary to the directions issued by this Court in any pronouncement. He urged that the selections were made strictly in accordance with the rules prescribed by the All India Council for Technical Education (AICTE) and drew our attention in that regard to a brochure issued by the AICTE stipulating such procedure.

The respondent, writ petitioner before the High Court, has not chosen to appear and contest these appeals. We have therefore heard Mr. M. Yogesh Kanna, learned counsel appearing for the respondent-State of Tamil Nadu. No one has appeared for the All India Council for Technical Education (AICTE) although the counsel has been duly served. The controversy, as noticed above, relates to the procedure adopted by the appellants for making admissions to MBA courses for the years 2004-06. The High Court has no doubt made certain observations that the procedures followed by the Institution was not in consonance with the judgments of this Court but it is, in our view, unnecessary for us to delve deeper into that aspect at this

distant point of time. All that we need say is that the admission process ought to be and indeed is regulated by the rules and the norms prescribed by the All India Council for Technical Education (AICTE). The appellant-Institution would, therefore, be bound by the said procedures in the matter of making admissions, subject of course to any interpretation of those rules by the pronouncement of this Court which too will have to be kept in mind while making such admissions. We do not consider it necessary to say anything more at this stage for the controversy is entirely academic and need not be authoritatively resolved at this point of time.

With the above observations, the appeals are disposed off.

No costs.

.....CJI.
(T.S. THAKUR)

.....J.
(R. BANUMATHI)

NEW DELHI
DATED 21st JANUARY, 2016.

ITEM NO.102

COURT NO.1

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

Civil Appeal No(s). 2884/2006

BHARATHIDASAN INSTITUTE OF MANAGEMENT

Appellant(s)

VERSUS

STATE OF TAMIL NADU & ORS.

Respondent(s)

(with office report)

WITH C.A. No. 2885/2006

(With Office Report)

Date: 21/01/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Mohan Parasaran, Sr. Adv.

(CA 2884/2006) Mr. V. Balachandran, Adv.

(CA 2885/06) Mr. Mohan Parasaran, Sr. Adv.

Mr. Senthil Jagadeesan, Adv.

Mr. Govind Manoharan, Adv.

Ms. Shruti Iyer, Adv.

Ms. Suchitra Kumbhat, Adv.

For Respondent(s) Mr. M. Yogesh Kanna, Adv.

Mr. Jayant Patel, Adv.

Mr. Bimal Roy Jad, Adv. (Not Present)

Mr. Gopal Singh, Adv. (Not Present)

Mr. Gaurav Sharma, Adv. (Not Present)

UPON hearing the counsel the Court made the following

O R D E R

In terms of the signed order, these appeals are disposed
off:

"...All that we need say is that the admission process ought to be and indeed is regulated by the rules and the norms prescribed by the All India Council for Technical Education (AICTE). The appellant-Institution would, therefore, be bound by

the said procedures in the matter of making admissions, subject of course to any interpretation of those rules by the pronouncement of this Court which too will have to be kept in mind while making such admissions. We do not consider it necessary to say anything more at this stage for the controversy is entirely academic and need not be authoritatively resolved at this point of time.

With the above observations, the appeals are disposed off. No costs."

(MAHABIR SINGH)
COURT MASTER

(SAROJ SAINI)
COURT MASTER

(Signed order is placed on the file)