①

Scott. II-27—104,006—4-11-49.

EDUCATION (1950) Department.

MS. SERIES.

clw

G.O. NO. 3366. Edn.

Dated 26. 12. 1950.

㉛

[Despatch Abstract.]

Colleges. Engineering. Admission of Krishnam
Raman. Petition to the High Court papers
Recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

G.F. 32 (a)—998,256—3-11-49.

② G. ✓

..... Department	Received ..... Registered .....
From (Name) Messrs. John & Row	To
Designation State Counsel	The Secretary to the Government
Station Madras.	Educational Department,
	Madras.

Enclosures: No. VPTM 813/50, dated 1st September 1950

ASSISTANT SECRETARY
6 SEP 1950
26803
EDUCATION DEPARTMENT

Re: C.M.P.No. 7378/50. High Court, Madras
Krishnamurthy Ramana minor by next friend
L.Krishnamurthy Aiyer. vs. State of Madras.

We have received a copy of the affidavit and petition in the above C.M.P. We are forwarding the same for your information and instructions.

Yours faithfully,

State Counsel.

Encls:

In the High Court of Judicature at Madras.

C.M.P. No. 7378 of 1950

Krishnamurthy Raman)
minor by next friend)
L. Krishnamurthy Aiyar.) ------ Petitioner.

vs.

State of Madras. .... Respondent.

Affidavit on behalf of the petitioner abovenamed.

I, L. Krishnamurthy aiyar, son of Lakshminarayana Aiyar Hindu, Brahmin, Landlord, aged about years, residing at Ekambarapuram Street, Kalladaikurichi, Tinnevely District, now temporarily come down to Madras do hereby solemnly and sincerely affirm and state as follows:-

1. I am the fatherx of the petitioner herein. The petitioner belongs to Tinnevely district and he is a student in St. Xaviers College, Palamcottah,

2. In the intermediate examination held in March 1950 the petitioner passed in the I class taking the first group as his optional subjects. He secured the following marks: namely:-

English ..	129	out of	300	
Sanskrit..	153	out of	200	
Mathematics.	150	out of	150)	
Physics.	104	out of	150)	362 out of 450
Chemistry.	108	out of	150)	

3. The petitioner applied for admission to the B.E.Course in one of the four engineeging colleges in the Madras State in June 1950 and duly received a registration card No. 753 acknowledging the application. In the published list of candidates selected, however, the petitioner's name was not included, though other candidates with less number of marks have been selected and admitted into the Engineering Course. The petitioner states that he is duly qualified for admission and is a fit and proper person to beadmitted to the course in all respects.

4. The petitioner understands and believes it to be true that the said selection was made by dividing the State into Regions

and applying the Communal G.O. to each of these Regions withthe result that the petitioner was denied admission, only because he belonged to the Brahmin community and only 4 seats were allotted to Brahmins in the Tinnevely district. Students of other communities who secured less number of marks than the petitioner have been selected both in Tinnevely district, the Region to which the petitioner belongs, as well as in other districts of the state.

A

5. The petitioner submits that the said government Order is inconsistent with the provisions of Part III, Art. 15, 16(1) and 29(2) and is void under Art. 13(2) of the constitution.

6. The petitioner submits that he has been denied admission into the Engineering College, Madras and other places which are Educational institutions maintained by the State on grounds only of caste infringing his fundamental right under article 29(2) of the constitution.

7. The petitioner also states that in applying the said Government Order the state has discriminated against the petitioner, a citizen of India, on grounds only of caste. The petitioner was born in, and has his domicile in the territory of India.The action of the State is in contravention of Article 15(1) of the Constitution. It also offends the provisions of Article 16(1) in so far as equality of oppurtunity for all citizens in matters relating to employment or to a appointment to an office in the State is denied, because a degree in Engineering is the prerequisite qualification for an appointment of an Engineer under the State.

8. The petitioners, therefore submits that under Art.226 of the Constitution, this High Court should be pleased to issue a writ in the nature of Mandamous directing the state to enforce the rights of the petitioner to be admitted to the engineering institution on his own merits, without reference to the Communal Government Order abovesaid, or the place of his birth.

9. The petitioner therefore prays that this Hon'ble court should be pleased to issue a writ of mandamus directing the State not to deny admission to the petitioner in the Engineering Course in one of the four Engineering Institutions in the Madras State on grounds only of his caste and place of birth and to admit him into one of the said engineering colleges.

Solemnly affirmed at Madras)
before me, this 7th day of)
August 1950 and signed in my)
presence.) before me

True copy.

Memorandum of Civil Miscellaneous Petition.

Under Section 226 of the Constitution.

In the High Court of Judicature at Madras.

C.M.P.No. 7378 of 1950

For a Writ of Mandamous

Krishnamurthy, Raman, minor by next friend L.Krishnamurthy Aiyar — Petitioner.

vs.

State of Madras. — Respondent

For the reasons contained in the affidavit filed herewith, the petitioner abovenamed humbly prays that this Hon'ble court may be pleased to issue a writ of mandamous directing the State not to deny admission to the petitioner in the Engineering Course in one of the four engineering colleges in the State of Madras, on grounds only of caste and place of birth and to admit him into one of the Said Engineering Colleges.

Madras dated this 7th day of August 1950

sd. Advocate for Petitioner.

/ true copy /

8

⑥ 9

Immediate

Fair 12 noon Reg. Issued at once 11.9.50 by S.K. rangpr.

Two drafts

Draft I

Edn. Dept

D.O. Letter:- 26803 G/50-2 d/ 11.9.50 G.

Dear Sri Kutti Krishna Menon,

Sub: Engineering Colleges - Admission -

I am to enclose copies of the following documents and to request you to defend the case on behalf of the Govt.:—

1). C.M.P. No. 7378 of 1950

2). Writ of Certiorari (in original)

The case is similar to the ~~one~~ W.P. referred to in the Health Dept D.O. No. 28357 O/50-3 d/ 6.9.50 and you may consider the

copy at ©

W.P.S. ofl in ... 11/9

Sri K. Kuttikrishna Menon,
Advocate General,
High Court Buildings,
Madras. (with copy of 3-7 & 9-10 of ii only)

Messrs John & Row Rt 7.9.50.

Copy to the State Counsel
Madras.
(with copy of 1 & 9-10 of)

10

both the cases cannot be defended together. The necessary papers have been called for from the D.P.I and they will be sent to you as soon as possible.

8/9/50

Immediate (7) 11 Edn. Dept G.

Memo. 26803 G/50 - 3 of 11.9.50

Draft II

Sub:- Engineering Colleges Admissions -

A copy of the Writ of Certiorari on CMP No. 7378 of 1950 is communicated to the D.P.I. and he is requested to furnish the papers required therein and to state ~~as to~~ the number of vacancies that actually arose in the Engineering Colleges after the High Court pronounced its judgement ~~(declaring the Communal G.O. as ultra vires of the Constitution)~~ and ~~how those vacancies~~ and how those vacancies ~~had been~~ filled up.

7.9.50.

8/9/50.

To The D.P.I (with copy of pp.9-10 f)

Copy to the Principal, Eng College, Guindy (with encls).

Desp. S.M. 11/9

C.S. (Tappal)

K. S. SANKARA AIYAR, B.A., B.L.
ADVOCATE
OFFICE: 59, LAW CHAMBERS, HIGH COURT

"SADHANA"
EDWARD ELLIOT ROAD
MYLAPORE, MADRAS, 4.

ASSISTANT SECRETARY
7 SEP 1950
27383
EDUCATION DEPARTMENT

6--9--1950

To

R.P.

The Chief Secretary,
The Government of Madras,
Madras.

Sir, Ref:- C. M. P. No.7378/1950
High Court, Madras.
Krishnamurthy Raman, Vs.
State of Madras.

C.S. (Tappal)
Edn. wo.

7.9.50

The above petition has been filed by the petitioner praying that the High Court may be pleased to issue a Writ of Mandamus directing the State not to deny admission to the petitioner in the Engineering Course in one of the four Engineering Colleges in the Madras State The petition has been admitted by their Lordships on 29--8--1950 and notice has been ordered returnable in two weeks. I served a copy of the petition and affidavit in the above matter on Messrs. John & Row, State Counsel for the Government of Madras on 30--8--1950, but Messrs. John & Row have returned the same to me with a letter dated 4/9/50 (No.885/50) which was delivered to me just now, stating that they have not received any instructions from the Government in the matter to enter appearance. Hence, I send herewith the petition and affidavit. Please take notice that the petition will be heard on or after the 12th Septr. 1950.

Yours faithfully,

K.S. Sankaraaiyar

Enc: Two.

12

14

Edn
G

Filed.
Necessary action
has been taken in
the matter.

153
12.9.50

Ph
13.9.50

15

(9)

ASSISTANT SECRETARY
9 SEP 1950
EDUCATION DEPARTMENT

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C.M.P.No. 7378 of 1950.

Krishnamurthy Raman, minor by next friend L.Krishnamurthi Aiyar.	...	Petitioner.
Vs.		
State of Madras.	...	Respondent.

.....

Affidavit on behalf of the petitioner **abovenamed.**

I, L. Krishnamurthi Aiyar, son Lakshminarayana Aiyar, Hindu, Brahmin, Landlord, aged about years, residing at Ekambarapuram Street, Kalladaikurichi, Tinnevelly District, now temporarily come down to Madras, do hereby solemnly and sincerely affirm and state as follows:-

1. I am the father of the petitioner herein. The petitioner belongs to Tinnevelly District and he is a student in St. Xaviers College, Palamcottah.

2. In the Intermediate Examination held in March 1950, the petitioner passed in the I Class taking the First Group as his optional subjects. He secured the following marks, namely:-

English ..	129	out of 300	
Sanskrit ..	153	out of 200	
Mathematics.	150	out of 150	362 out of 450
Physics ..	104	out of 150	
Chemistry ..	108	out of 150.	

3. The petitioner applied for admission to the B.E.Course in one of the four Engineering Colleges in the Madras State in June 1950, and duly received a registration card No.753 of 1950 acknowledging the application. In the published list of candidates selected, however, the petitioner's name was not included, though other candidates with less number of marks have been selected and admitted into the Engineering course. The petitioner states that he is duly qualified for admission and is a fit and proper person to be admitted to the course in all respects.

4. The petitioner understands and believes it to be true that the said selection was made by dividing the State into Regions and applying the Communal G.O. to each of these Regions, with the result that the petitioner was denied admission, only because he belonged to the Brahmin Community and only 4 seats were allotted to Brahmins in the Tinnevelly District. Students of other Communities who secured less number of marks than the petitioner have been selected both in Tinnevelly District, the Region to which the petitioner belongs, as well as in other Districts of the State.

5. The petitioner submits that the said Government Order is inconsistent with the provisions of Part III, Art. 15, 16(1) and 29(2) and is void under Art.13(2) of the Constitution.

6. The petitioner submits that he has been denied admission into the Engineering College, Madras, and other places which are Educational Institutions maintained by the State, on grounds only ofm caste

2nd page:Corrns.

infringing his fundamental right under Article 29(2) of the Constitution.

7. The petitioner also states that in applying the said Government Order the State has discriminated against the petitioner, a citizen of India, on grounds only of caste. The petitioner was born in, and has his domicile in the territory of India. The action of the State is in contravention of Article 15(1) of the Constitution. It also offends the provisions of Article 16(1) in so far as equality of opportunity for all citizens in matters relating to employment or to an appointment to an office in the State is denied, because, a Degree in Engineering is the pre-requisite qualification for an appointment of an Engineer under the State.

8. The petitioner, therefore, submits that under Art.226 of the Constitution, this High Court should be pleased to issue a Writ in the nature of Mandamous directing the State to enforce the rights of the petitioner to be admitted to the Engineering Institution on his own merits, without reference to the Communal Government Order abovesaid, or the place of his birth.

9. The petitioner, therefore, prays that this Hon'ble Court should be pleased to issue a Writ of Mandamous directing the State not to deny admission to the petitioner in Engineering Course in one of the four Engineering Colleges in the Madras State, on grounds only of his caste and place of birth and to admit him into one of the said Engineering Colleges.

Solemnly affirmed at Madras)
before me, this 7th day of)
August 1950 and signed in)
my presence. ...) Before me.

3rd & last page:Corrns.

HIGH COURT: MADRAS.

C.M.P.No. 7378 /1950

(for a Writ of Mandamous)

••••••

Krishnamurty Raman,
minor by next friend
L.Krishnamurti Aiyar..Petr.

••••••

Affidavit of
L. Krishnamurti Aiyar.

••••••

Mr. K. S. Sankara Aiyar,

Counsel for Petitioner

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.

(Under Sec.226 of the Constitution.)

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C.M.P.No. 7378 of 1950.

(For a Writ of Mandamous).

•••••

Krishnamurti Raman,)
minor by next friend) ... ... Petitioner.
L.Krishnamurti Aiyar.)
Vs.
State of Madras .. .. Respondent.

For the reasons contained in the affidavit filed herewith, the petitioner abovenamed humbly prays that this Hon'ble Court may be pleased to issue a Writ of Mandamous directing the State not to deny admission to the petitioner in the Engineering Course in one of the four Engineering Colleges in the Madras State, on grounds only of caste and place of birth and to admit him into one of the said Engineering Colleges.

Madras, dated this 7th day of August 1950.

(Sd) K.S. Sankara Aiyar
Advocate for Petitioner.

20

Copy to:
The State Counsel
Madras

HIGH COURT: MADRAS.

C.M.P.No. 7378 of 1950

(For a Writ of Mandamous)

Krishnamurti Raman,
minor by next friend
L.Krishnamurti Aiyar...Petitioner.

Vs.

State of Madras. .....Respondent.

Petition for
a Writ of Mandamous.

I

Mr. K.S.Sankara Aiyar,
Advocate for Petitioner.

21/ 12

Edn
G

Engg Colleges. Admissions

Immediate

p11 ante

Ref. Memo No. 26803 G/50-3 of 11.9.50

Memo No. 26803 G/50-4 of 21.9.50

The D.P.I is requested to send immediately by special messenger the papers called for in the memo cited as the case is posted for hearing on the 25th ~~[illegible]~~ Sep. 50.

Ed.
21.9.50

21/9/50

Shri has a phone talk with me re: this.

By Spl. Messenger

Despatched 21/9/50

To
The DPI
by Spl messenger

minor by next friend

22

Edn
G.

~~Letter~~/ Ref

To

M/s John & Row
State Counsel
Madras.

Dear Sirs,

Ref. C.M.P. No. 7378/50 High Court.
Engg College - Admissions.

I am directed to state that the papers ~~[illegible]~~ called for from the DPI have not been received yet. Further adjournment may kindly be taken in this matter.

Y. f.

Vide OM on p 21 and DPI reminded on the phone this morning.

L&B
22.9.50
R
22.9.50.

---

23 (13) SM

Confidential.

From
The Director of Public Instruction, Madras.

To
The Secretary to Government,
Education Department.

R.C. No.464 K2/50 dated 22nd Septr. 1950.

ASSISTANT SECRETARY
S i
22 SEP 1950
EDUCATION DEPARTMENT

Sub: ENGINEERING COLLEGES - Admissions in the current year.

Ref: Government Memo No.26803 G/50-3 Edn., dated 11th Septr. 1950. | p11 ante

&&&&

Recd by Principal vide para 1 p 17 (M)

The Principal, College of Engineering has reported that a copy of the Government Memo. with enclosures referred to above, said to have been sent to him has not been received by him and has not, therefore, furnished the particulars. As Government want an immediate reply, I am furnishing certain particulars so far available in this office.

G.O. 2165 Edn 2.9.50

B / 1 cf.

B / 3-61 cf

(1)

M/9 B / 3 cf

2. I would invite attention to my letter dated 30-6-50 furnishing (a) a copy of the proceedings of the Selection Committee and (b) list of candidates arranged according to regions and communities in the order of merit. For ready reference, I am sending for reference and return a nominal list of applicants registered in the Tamil region and a list of candidates selected. The proceedings of the Selection Committee will indicate the manner in which the selections were made. I find that there is a discrepancy in the marks furnished in the Affidavit and those given in the tabulated list. I am unable to verify the correctness of either at present.

p 3 ante I/13

(Police Pathic)

3. With reference to Government Memo No.16648 G/50-6 Edn., dated 28th July 1950, Sri C.R. Srinivasan was admitted and allotted to the College of Engineering, Kakinada. He did not appear to have joined the college. Subsequently there was a vacancy for a Tamil area student in Kakinada and for this the candidate with the highest marks in that region was selected. Again, there were 4 vacancies at Anantapur, 2 at Kakinada and 1 at Coimbatore. These vacancies were filled up in consultation with the Hon'ble the Chief Minister and the Hon'ble Minister for Public Works - vide Director's D.O. letters to Mr. S.A. Iyengar dated 6-8-1950 and 9-8-1950.

2+1 = 3.

K / 1 & 5.

Recd for [illegible] [illegible] [illegible] to AS on 25.9.50

for Director of Public Instruction.

P.S. Since writing the above, the Principal, College of Engineering Guindy has sent the application in original and other particulars as also his remarks. I am sending them in original which may kindly be returned when done with.

(M)

JOHN & ROW
ADVOCATES
STATE COUNSEL
FOR
THE GOVERNMENT OF MADRAS

Partners :
V. K. JOHN, B.A.,B.L., LL.D. (LONDON)
BARRISTER-AT-LAW
(RESIDENCE PHONE NO. 86689)
T. RAMAPRASADA RAO, B.A.,B.L.
VEPA P. SARATHI, M.A.,B.L.
A. DESOUZA, B.A.,B.L.

PHONE : 4015
ANDHRA INSURANCE BUILDINGS
337, THAMBU CHETTY STREET
G. T. MADRAS-1.

Ref: No. 1299/50

21st September, 1950.

The Secretary,
Educational Department,
Government of Madras,
Madras.

ASSISTANT SECRETARY
23 SEP 1950
EDUCATION DEPARTMENT

Dear Sir,

Re: C.M.P. No.7378 of 1950.

The above matter came up today before the Chief Justice and Mr. Justice Viswanatha Sastri, and has been adjourned to Monday the 25th instant.

Please treat this matter as urgent and send us instructions to draft the counter-affidavit and the connected records ~~documents~~. In this connection, we would like to confirm our telephone conversation with the Superintendent of your Office, when we were told that you are awaiting instructions from the Director of Public Instruction, Madras. We were instructed to take an adjournment on Monday, if necessary.

We, however, think that no adjournment will be granted, and therefore we would request you to expedite the matter.

Yours faithfully,
John & Row
State Counsel.

BK:BRN

27 (15)

Ech 4.

Immediate.

D.O. No 26803 G/50-4 of 23.9.50

Dear Sri Kutti Krishna Menon,

Ref: CMP No. 7378/50. Engg College. Admissions.

In continuation of Sri S.A. Iyengar's D.O. No. 26803 G/50-2 of 11.9.50, I am to enclose the following documents which may kindly be returned when no longer required.

1) The nominal list of applicants registered in the Tamil region.
2) List of selected candidates.
3) Application of Sri Krishnamurthy Raman for admission together with index card, chalan for Rs. 5/- and a post card.

You are already aware of the rules and regulations applicable to selection of candidates for admission into the Engg Colleges and it is presumed that copies of the rules are not required now.

In pursuance of the High Court's ~~decision~~ decree in C.M.P No 5340 of 1950 Sri C.R. Srinivasan was admitted and allotted to the Engg College Kakinada. He does not appear to have joined the College. Subsequently there were three vacancies in the College of Engg. Kakinada, four at Anantapur and one at Coimbatore, which have since been filled up in consultation with the DPI.

I am to enquire whether any further inform^n or papers are required in the matter; ~~they~~ will be furnished, if necessary.

Y.S.

Put up to see for perusal
25/9/50
S

Seen. Mean-
Keep me informed of the progress of such cases.
I got a phone message ... when there ...
re: ... Sri Ramaswami ... was ... the ... we may ...
pp3-30 (M) 25/9

* They seem further ... in connection with the case filed by Srinivasan.

(file in Public)

Dpd. with enclosures to State Counsel as per the note
(1+2+3) 23.9. | 23/9.

To
Sri K. Kutti Krishna Menon,
Advocate General.
High Court Buildings,
Madras (with encl) (1) as pp3-30 (M)
Copy to M/s John & Rao
State Counsel
~~Madras~~
337 Thambu Chetty Street
Madras

Dpd.
23.9.

22.9.50
22/9/50

23/9/52

G.F. 32 (a)—998,258—3-11-49.

.... Department	Received .... Registered ....
From (Name) JOHN & ROW	To
Designation STATE COUNSEL	The Assistant Secretary, Education Department, Govt. of Madras. Fort St. George.
Station MADRAS	

Enclosures: No. 1495/50 BK/V, dated September 26, 1950

Sir,

Sub. Admission to Engineering College - Minor Krishnamurthy - counter affidavit to be filed CMP No.7378.

We are herewith enclosing a fair typed counter affidavit in the above matter, as settled by the Advocate General. Kindly have it sworn to before a Gazetted Officer and return the same to us before 3 o'clock today so that we could file the same in Court today itself as directed by his Lordship the Chief Justice. Each page of the affidavit must be signed. The Corrections must be initialled by the attesting officer. You may consider whether the reason given in paragraph 6 lines 4 & 5 should remain or be deleted.

Yours faithfully,

John & Row

State Counsel.

Encl:

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

C.M.P. No.7378 of 1950.

Krishnamurthy Raman, Minor by next friend L.Krishnamurthy Aiyar. .. Petitioner

Vs.

The State of Madras .. Respondent.

COUNTER AFFIDAVIT OF I.BALAKRISHNA MENON.

I, I.Balakrishna Menon, son of Appukuttan Panikker, aged about 54 years, Assistant Secretary to Government, Education Department, Hindu, residing at No.13 First Street, Sait Colony, Egmore, do hereby solemnly and sincerely affirm and state as follows:

1. I am the Assistant Secretary, Education Department, Government of Madras and I know the facts relating to this case. I have read through a copy of the Petitioner's affidavit.

2. I admit that the allegations in paragraph 2 and 3 are substantially correct except that I cannot say that he is the fit and proper person in all respects to be admitted to the college.

3. Regarding paragraph 4 of the Petitioner's affidavit, I state that it does not set out the facts fully and correctly. The correct position was that the total number of seats available in the Government Engineering Colleges at Guindy, Coimbatore, Kakinada and Anantapur was only 395. Out of these 21 seats were reserved for students coming

from outside the State. In addition, 12 seats were reserved for discretionary allotment by the Government in consultation with the Director of Public Instruction. The balance of the seats available were apportioned among four groups of Districts in the State. The seats so apportioned were filled up so as to protect the weaker sections of the people, and to provide equal opportunities for all. I deny the allegation in para 4 that four seats were allotted to Brahmins in the Tirunelveli Dist. as there was no allotment by Districts.

4. Regarding the other allegations in paragraphs 5, 6, 7, and 8 of the affidavits I state that the G.O relatingto the admissions of students to colleges is not against any provision of the Constitution of India but is in furtherance thereof.

5. I further state that the Government have preferred an appeal before the Supreme Court of India from the decision in C.M.P.s 5255/50 and 5340/50 of this Hon'ble Court.

6. I state that there cannot be any admission of students into the Engineering Colleges after 31st July 1950 unless a special exemption is obtained from University of Madras, the reason being that the student who joins the course after 31st will not have sufficient attendance to enable him to sit for the final examination. The petition filed after 31st July without obtaining this exemption from the University of Madras for the petitioner's son, I state should be dismissed on this ground alone.

7. I therefore, submit that it is just and necessary that this application be dismissed with costs.

Solemnly affirmed at the Office of the
Registrar, High Court, Madras, this the
day of September 1950.

BEFORE ME

COMMISSIONER.

HIGH COURT, MADRAS.

S.M.P.No.7378/50

Krishnamurthy Raman, minor,
by next friend L.Krishnamurthy Aiyar. PETITIONER

Vs.

The State of Madras. RESPONDENT.

COUNTER AFFIDAVIT OF I. BALAKRISHNA MENON.

The State Counsel
for the Respondent.

---

(19) 35

Admission to Engg Colleges.
CMP. No 7378.

from M/s John & Row. No 1495/50 Bk/U d 26 9/50

Memo No 26803 G/50-5 d 26.9.50

The Counter affidavit is returned herewith duly signed.

26.9.50

26/9/50

To
M/s John & Row
State Counsel
Madras.

26.9.50.

G 20 37

G.F. 32 (a)—998,256—3-11-49.

Department
From (Name) JOHN & ROW,
STATE COUNSEL FOR
Designation THE GOVERNMENT OF MADRAS
337, THAMBU CHETTY ST.
Station G. T. MADRAS.

Received .... Registered ....

To

The Secretary to Government,
Educational Department,
Madras.

Enclosures: No. VPVR/1519/50, dated 27th Sept. 1950

ASSISTANT SECRETARY
28 SEP 1950
29853
EDUCATION DEPARTMENT

Sir,

Sub: C.M.P.No.7378 of 1950 - Krishnamurthi Raman Vs. the State of Madras - Writ of Mandamous - admission to Engineering College.

The above matter came up today before their Lordships the Chief Justice and Mr.Justice Viswanatha Sastri. Their Lordships asked the Advocate General to find out if any vacancy is available in any of the four Engineering Colleges and report the matter on Friday, the 29th instant, to which date the case is adjourned.

Yours faithfully,

John & Row.

Copy to Advocate General.

30

39

(21)

EDUCATION DEPARTMENT

...

Fort St.George,
Madras,
28th Septr. 1950.

D.O.No. 26803 G/50-6 Edn.

Dear Mr. Kuttikrishna Menon,

COLLEGES – ENGINEERING – ADMISSIONS

– – –

Under instructions from the Secretary, I am to enclose copy of a telephonic message, dated 22-9-1950, received from the Director of Public Instruction stating that "there are no vacancies in the I year class of the Engineering Colleges in the State."

Yours sincerely,

28/9/50

Sri K.Kuttikrishna Menon,
Advocate-General,
High Court Buildings,
MADRAS.

[illegible]
[illegible] [illegible] message
1603
29/9

(22) G

C.F. 32 (*a*)—998,256—3-11-49.

From (Name) .... Department

Designation JOHN & ROW,
STATE COUNSEL FOR
THE GOVERNMENT OF MADRAS.

Station 337, THAMBU CHETTY ST.
G. T. MADRAS.

Received ....

ASSISTANT SECRETARY
Registered
11 OCT 1950
EDUCATION DEPARTMENT

To

The Secretary to Government,
Educational Department,
Fort St., George,
MADRAS.

Enclosures: Records.

No. BK/BRN 1819/50, dated 8-10-50. 195

Sir,

Sub: Civil Miscellaneous Petition 7378/50.

This is to inform you that the above matter came up before the Chief Justice and Justice Viswanatha Sastri on the 29th ultimo, and the application has been dismissed. We are herewith enclosing the connected records, receipt of which please acknowledge.

draft submitted separately

(endos records)

Encl. Records.

Yours faithfully,

John & Row

42

B. C. No. *of* **1949.** (22) 43 H.Ct.No.703—2,000—30-6-50.

From V. Krishnaswamy B.A., B.L.,
Sri ~~R. Jayaram Ayyar, M.A., B.L.~~,
Deputy Registrar, Appellate side,
High Court, Madras.

33725

DEPUTY SEC... 4910 27 OCT 1950 PUBLIC DEPARTMENT

To
The Chief Secretary to the Government of Madras,
Public ~~(General-E) Department~~,
Fort St. George, Madras.

(with a copy of order in ~~Crl.~~ C. M. P. No. 7378 of 1950 ~~1949.~~)

Dated 29.9. 1950.

Sir,

I am to forward herewith, for information of the Government a copy of the Order of the High Court dated 29.9.1950 in ~~Crl.~~ C. M.P. No. 7378 of 1950.

Yours faithfully,

Asst. V. Krishnaswamy 6.X.50
~~Deputy~~ Registrar, *Appellate side.*

Pub (Sectt)
U.O. No. 4910/50-1
28.10.50.

Pub (Sectt) Dept.
Edn. U.O.
28.10.50.

9/10

28/10/50 Edn.

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Lidu
G.

Filed.

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1.11.50

B
2.11.50.

OSM
4/11/50

(Main file with Secy.)

DEPUTY SECRETARY
27 OCT 1950
PUBLIC DEPARTMENT

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Friday, the Twenty ninth day of September
One thousand nine hundred and fifty.

PRESENT:

The Honourable Mr. P.V. RAJAMANNAR, Chief Justice;
and
The Honourable Mr. Justice A.V. VISWANATHA SASTRY.

Civil Miscellaneous Petition No.7378 of 1950.

Krishnamurti Raman minor by next friend L.Krishnamurty Aiyar.	Petitioner
State of Madras.	Respondent

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus directing the State not to deny admission to the petitioner in the Engineering Course in one of the four Engineering Colleges in the Madras State on grounds only of caste and place of birth and to admit him into one of the said Engineering Colleges.

ORDER:--This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and the order made herein and dated the 29th August 1950 and the counter affidavit filed herein and upon hearing the arguments of Mr. K.S. Sankara Ayyar, Advocate for the petitioner and of the Advocate-General for the State Counsel, the Court delivered the following Judgment:--

(Order of the Court was pronounced by the Hon'ble the Chief Justice.)

The petitioner was one of the applicants for admission to the B.E. course in one of the four Engineering Colleges in the Madras State. His name was not included in the published list of candidates who were selected. The petitioner states that he has not been included, because his application was not considered on its merits but on grounds only of his caste and place of birth. He therefore prays that this Court should issue a writ of MANDAMUS directing the State not to deny admission to him on grounds only of his caste and place of birth and to admit him into one of the Engineering Colleges.

The petitioner relies upon the judgment of this Court in C.M.P.5255 and 5340 of 1950 and contends that he was entitled to have his application considered excluding all grounds of caste. There can be no doubt that in the light of that judgment, he is entitled to that right, but his prayer goes further. He wants that he should be admitted into one or other of the four Engineering Colleges in the State. The learned Advocate-General has under instructions stated to us that there is no vacancy in the first year course in any of the Engineering Colleges. The position therefore is that though in principle the petitioner's application is entitled to be considered without taking into account his caste, he cannot obtain any material relief by reason of the fact that he has made the application at a late stage after all the available seats had been filled up. In these circumstances a mere recognition of his right does not compel us to issue a writ of MANDAMUS to direct the State to admit him into one of the Engineering Colleges.

The application is dismissed, but there will be no order as to costs.

(Sd) V. Krishnaswami,
Assistant Registrar,App.Side.

(True copy)

Sub Assistant Registrar,App.Side.

To: 1. The Chief Secretary to Government, Fort St.George,Madras.
2. The Advocate-General for the State Counsel, Madras.

RG/

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(25)

DATED: 29--9--1950.

ORDER

C.M.P.No. 7378 of 1950.

Dismissing the application to issue a Writ of Mandamus directing the State not to deny admission to the petitioner to the Engineering College on grounds of caste and place of birth.

COURT FEE ONE ANNA INDIA 1A.
COURT FEE ONE ANNA INDIA 1A.
COPY STAMP

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Friday, the twenty ninth day of September,
One thousand nine hundred and fifty.

Present:--

THE HONOURABLE MR.P.V. RAJAMANNAR, Chief Justice
and
THE HONOURABLE MR.JUSTICE A.V. VISWANATHA SASTRY.

Civil Miscellaneous Petition No.7378 of 1950.

Krishnamurti Raman minor by next friend L. Krishnamurthy Aiyar. Petitioner.

State of Madras. .. .. Respondent.

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of mandamus directing the state not to deny admission to the petitioner in the Engineering Course in one of the four Engineering Colleges in the Madras State, on grounds only of caste and place of birth and to admit him into one of the said Engineering Colleges.

ORDER: This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof, and the order made herein and dated the 29th August 1950 and the counter affidavit filed herein and upon hearing the arguments of Mr.K.S. Sankara Ayyar, advocate for the petitioner and of --------

1st stamp - 175

C.K.N.

COURT FEE INDIA ONE ANNA 1A.
COURT FEE INDIA FOUR ANNAS 4As

the Advocate General for the State Counsel, the Court delivered the following Judgment:

(Order of the Court was pronounced by the Honourable the Chief Justice).

The petitioner was one of the applicants for admission to the B.E. course in one of the four Engineering Colleges in the Madras State. His name was not included in the published list of candidates who were selected. The petitioner states that he has not been included, because his application was not considered on its merits but on grounds only of his caste and place of birth. He therefore prays that this Court should issue a writ of mandamus directing the State not to deny admission to him on grounds only of his caste and place of birth and to admit him into one of the Engineering Colleges.

The petitioner relies upon the judgment of this Court in C.M.P. 5255 and 5340 of 1950 and contends that he was entitled to have his application considered excluding all grounds of caste. There can be no doubt that in the light of that judgment, he is entitled to that right, but his prayer goes further. He wants-----

2nd stamp - 175

C.K.N.

COPY STAMP
COURT FEE INDIA ONE ANNA 1A.
COURT FEE INDIA ONE ANNA 1A.

that he should be admitted into one or other of the four Engineering Colleges in the State. The learned Advocate General has under instructions stated to us that there is no vacancy in the first year course in any of the Engineering Colleges. The position therefore is that though in principle the petitioner's application is entitled to be considered without taking into account his caste, he cannot obtain any material relief by reason of the fact that he has made the application at a late stage after all the available seats had been filled up. In these circumstances a mere recognition of his right does not compel us to issue a writ of mandamus to direct the State to admit him into one of the Engineering Colleges.

The application is dismissed, but there will be no order as to costs.

(sd) V. Krishnaswami,
5-10-50,
Asst. Registrar, A.S.

Ex:
M Rangam 15.11.50

(True copy)
M. V. Krishnamurthi
17-11-1950
Supdt of Copyists.

3rd and last stamp - 150
Total -- 500
C.K.N.

32

C.M.P. 7378/50 C.D. 9078
2-12 State Counsel
10-11-50

COURT FEE INDIA ONE ANNA 1A.

COURT FEE INDIA FOUR ANNAS 4As

RETD.

4
17/11

(10)

ORDER
C.M.P.No. 7378/1950.

THE HIGH COURT OF JUDICATURE
AT MADRAS.

C.D. No. 9078 of 195 .

Application made	3-10 195
Application returned	/ 195
Application re-presented	/ 195
Stamps called for	7-11 195
Stamps deposited	10-11 195
Addl. stamps called for	/ 195
Addl. stamps deposited	/ 195
Copy ready	17-11 195
Copy delivered	20-11 195

5/10

Superintendent.

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53 (28)

C.F. 32 (a)—993,230—3-11-49.

Department	Received 37210 Registered
From (Name) MESSRS. JOHN & RAO.	To
Designation STATE COUNSEL	The Secretary to Government,
Station M A D R A S.	Education Department,
	M A D R A S.

22 NOV 1950
EDUCATION DEPARTMENT

Enclosures: No. VLVR 3168/50 dated 21st Nov. 1950

Sir,

Sub: ENGINEERING COLLEGE - Admission - petition filed by Krishnamurti Raman minor by next friend L.Krishnamurthy Aiyar - High Court, Madras CMP No.7378 of 1950.

We are enclosing herewith the certified copy of the order made by their Lordships the Chief Justice and Mr.Justice A.V.Viswanatha Sastri in the above matter. The receipt of the order, may kindly be acknowledged.

Encl:1.

Yours faithfully,

John & Rao

54

Edn
G

Engg College,– Admission.
CMP No 1378 of 1950

11/20.11

From the State Counsel No VPUR 3168/50 of 21.11.50

Memo No. 37210 G/50. Edn dated 29.11.50

To
Messrs John and Row
State Counsel
Madras

The receipt of the certified copy of the ~~order~~, sent with the letter cited, is hereby acknowledged.

D.M. 29/11/50

Note: copy of the order is already in the main file. After issue, these pp may be added to the file.

D.M. 29/11/50

Edn. Dept
G.

Sub:- Colleges – Engineering – Admissions.

pp1-7 Ref:- 1) From the State Counsel, Madras No. V.P.T.M. 813/50. dated 1-9-50.

pp8-15 2) From the Assistant Registrar, Appellate side, High Court. Writ of Certiorari dat 30-8-50.

The position with regard to the admission to the Engineering Colleges has been explained in detail in this departments' letters no. 16648/G/50-4 Edn. dated 5-7-50. and no. 16648/G/50. dated 14/7/50. On the petitions filed in the High Court by two candidates seeking admission to Medical & Engineering Colleges, the full bench of the High Court have delivered judgement to the effect that the application of the Communal G.O. in regard to selection of candidates for admission to Educational institutions contravened the relevant provisions contained in Articles 15 (1), and 29 (2) of the Constitution of the Union of India. Thereupon the Government have decided to prefer an appeal in the Supreme Court and the Advocate-General, as instructed by Govt., is taking necessary steps in the matter. The Govt. are awaiting the verdict of the Supreme Court for taking up the question of abrogating the Communal G.O.

file in Public (confidential) pp18-16 in LF I / p39 of LF I

Judgment copy at (IV) in LF I. (file in Public proposals)

V. in pp 67 LF I

pp in LF

Now a petition has been filed in the High Court on behalf

pp3-5

From the D.P.I. No. 464 K2/50 of 22.9.50 — p 33 c

The previous case was conducted by Sri Kutti Krishna Menon, Advocate General, and he is aware of the rules & regulations governing ~~admission~~ selection of candidates for admission into the Engg Colleges. ~~they~~ Copies of the relevant ~~[illegible]~~ rules were furnished in ~~[illegible]~~ that connection. The documents now furnished by the D.P.I, with the infn contained in para 3 of the D's letter on [illegible] may be sent to the Advocate General. A draft D.O is submitted for approval.

Rs
22.9.50.

OM
23/9/50

[D.O. No. 26803 G/50-4 of 23.9.50] — p 27 cf

The High Court has dismissed the application. These papers may be recorded.

Orders
Ds

3366 Edn dated 26-12.50
Recorded [illegible] pm

Rs
19.[illegible]

OM
21/12/50

Sub.
Colleges. Engg.
Admission of Krishna-
moorthy Raman.
Petition to the
High Court
Papers Recorded

p 41 cf