



ABSTRACT

Higher Education – Technical Education – Removal of Special reservation for the category for Children of Freedom Fighters from the categories followed so far based on the orders of the Hon'ble High Court dated 10.10.2014 in W.P.No.23104/2014 filed by Thiru V.G. Subramanian – Orders – Issued.

Higher Education (J1) Department

G.O.(Ms) No. 222

Dated: 7-8-2017

ஹேவிளம்பி வருடம், ஆடி - 22
திருவள்ளூர் ஆண்டு, 2048

Read:

1. Judgement of the Hon'ble High Court of Madras dated 1.11.2002 in W.A.No.3221 of 2002 and W.A.M.P.No. 5348 of 2002 etc.
2. G.O.(Ms) No. 198, Higher Education (J1) Department dated 1.11.2002.
3. G.O.(Ms) No.145, Higher Education (J1) Department, dated 10.5.2008
4. G.O.(Ms) No. 121, Higher Education (J1) Department, dated 3.7.2012
5. Government letter No. 10494/J2/2017-1, Higher Education (J2) Department dated 13.7.2017.
6. Judgement of the Hon'ble High Court of Madras dated 10.10.2014 in W.P.No.23104 of 2014 and M.P.No.1 and 2 of 2014.

ORDER:

In the Judgement of the Hon'ble High Court of Madras first read above, the Hon'ble High Court has observed as follows:-

"Reservation of several kinds like Widows, Deserted Women and any candidate whose parent has suffered for the cause of development of Tamil and contributed towards the protection etc. are quite untenable. They do not have any constitutional or legal sanction. But we are not dwelling on that as they have not been questioned here and as the admissions to that category have already been completed. Other than the reservations in Tamil Nadu Act 45 of 1994, what is permissible is only for physically Handicapped, Eminent Sportsmen, Children of Freedom Fighters and Children of Ex-Servicemen being horizontal reservation and not vertical. The State has to bear this in mind in future".

2. In the Government Order second read above, the Government direct that subject to the outcome of the Special Leave Petition filed before the Supreme Court of India, Reservations for admission to the Engineering Colleges for the year 2003-2004 be made as detailed below on horizontal basis, within the Reservation contemplated by Tamil Nadu Act 45 of 1994:

(i)	Physically handicapped	:	3%
(ii)	Eminent Sports Persons (International / National / State Level Participations)	:	42 seats
(iii)	Children of Freedom Fighters	:	10 seats
(iv)	Children of Ex-servicemen	:	81 seats

3. In the Government order third read above, Government have issued orders for enhancement of reservation of seats under Eminent Sports Persons category from 42 to 100. In the Government order fourth read above, Government have issued orders for enhancement of reservation of seats under Eminent Sports Persons category from 100 to 500. In the Government letter fourth read above, all Government Institutions of Higher Education and other Higher Education Institutions receiving aid from the Government have been requested to implement Section 32 of the Right of Persons with Disabilities Act, 2016 which reads as follows:

32. (1) All Government Institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five percent seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

4. In the Judgement of the Hon'ble High Court of Madras third read above, in W.P.No.23104/2014 and M.P.No.1 and 2 of 2014 filed by Thiru V.G. Subramaniyan regarding Clause 4(1) (41(1) – Seats Reserved for Children of Freedom Fighters in the prospectus for admission to the medical courses for the year 2014-15, has observed as follows:-

"11. Any right of this nature cannot be allowed to remain in perpetuity. The Government was not obliged to create an inheritable right. Therefore, insofar as the exclusion of the grandchildren of freedom fighters is concerned, it is validly made by the Government, and the same cannot be found fault with. But, at the same time, I should point out that the category itself should be removed from the prospectus in future years, since no such person has been available in the past 15 years. If no child of a freedom fighter eligible for admission was available in the past 15 years, they are not going to be available hereafter also. Therefore, the challenge of the petitioner to Clause 41 (i) fails and the writ petition is dismissed. However, in future, this category itself shall be removed by the respondents so that no confusion is created. No costs. Consequently, connected miscellaneous petitions are closed."

5. The Government after careful examination, remove Special reservation for the category for Children of Freedom Fighters from the categories followed so far, for Tamil Nadu Engineering Admission (TNEA) made through Single Window System based on the orders of the Hon'ble High Court dated 10.10.2014 in W.P.No.23104/2014 filed by Thiru V.G. Subramaniyan. Therefore, from the academic year 2017-18 onwards, the Special reservations to be followed for

Tamil Nadu Engineering Admission (TNEA) made though Single Window System are Physically handicapped, Eminent Sports Persons (International / National / State level participations) and Children of Ex-servicemen categories.

6. Based on the Judgement of the High Court of Madras third read above, the Health and Family Welfare Department, Law Department, Agriculture Department, Animal Husbandry and Fisheries Department, Higher Education (Collegiate Education) Department, School Education Department etc. are requested to issue similar separate orders for making suitable reservations for the admission to be made in the educational institutions coming under their control.

7. The Anna University is requested to issue suitable corrections in the instructions to the candidates for TNEA 2017 based on the orders in para 4 above.

(By Order of the Governor)

SUNIL PALIWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Technical Education, Chennai – 25
The Registrar, Anna University, Chennai – 25
The Principal Secretary to Government, Health and Family Welfare Department, Chennai – 9
The Secretary to Government, Law Department, Chennai – 9
The Principal Secretary to Government, Agriculture Department, Chennai – 9
The Principal Secretary to Government, Animal Husbandry and Fisheries Department, Chennai – 9
The Secretary to Government, School Education Department, Chennai – 9
The Secretary to Government, Backward Classes and Most Backward Classes Department Chennai – 9.
The Secretary to Government, Public Department, Chennai -9.
The Registrar, High Court, Chennai -104.
The Advocate General of Tamil Nadu, High Court, Chennai – 104.
The Additional Advocate General of Tamil Nadu, Chennai -104.
All Sections in Higher Education Department, Chennai – 9
Copy to
All Departments of Secretariat, Chennai -9
The Chief Minister's Office, Chennai -9
The Special P.A. to Minister (Higher Education Department), Chennai -9
The P.S to Principal Secretary, Higher Education Department, Chennai -9
SF/SC

//Forwarded by Order//

[Handwritten Signature]
7/8/2017
Section Officer.

[Handwritten]
GAS
7/8/17