

## ABSTRACT

Higher Education – Judgement of the 11 Judges Constitution Bench of Supreme Court of India, dated.31.10.2002 in W.P (Civil) No.317/1993 in TMA Pai Foundation and Others – Admission of students by unaided, non-minority professional institutions – Implementation of Rule of reservation of the State Government – Orders – Issued.

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### Higher Education (J1) Department

**G.O.(Ms).No. 22  
Dated:13.2.2003.**

#### Read:-

1. Judgement of the 11 Judges Constitution Bench of Supreme Court of India in W.P (Civil)No.317/1993, dated.31.10.2002, in T.M.A. Pai Foundation and Others Vs State of Karnataka and Others.
2. Government letter No.7096/Law (Advocate General-Opn)/03/1, dated.28.1.2003.
  1. 3. From the Advocate General of Tamil Nadu D.O. Letter Roc. No. of 2003, dated.5.2.2003.
  2. 4. G.O. (Ms) No.19,Higher Education (J) Department, dated. 13.2.2003.

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#### ORDER

The Government in the G.O. fourth read above have ordered, among others, that unaided non-minority professional institutions / Colleges be allowed to admit 50% of the seats by themselves, by following a transparent and reasonable method of admission.

2. The 11 Judges Constitution Bench for the Supreme Court of India in its Judgment dated.31.10.2002 in W.P.(Civil) No.317/1993 in T.M.A.Pai Foundation and Ors Vs State of Karnataka and Ors while dealing with the Private unaided Professional Colleges has held,

“..... The object of establishing an institution has thus been to provide technical or professional education to the deserving candidates. and is not necessarily a commercial venture. In order that this intention is meaningful, the institution must be recognized. At the school level, the recognition or affiliation has to be sought from the educational authority or the body that conducts the school-leaving examination. It is only on the basis of that examination that a school-leaving certificate is granted, which enables a student to seek

admission in further courses of study after school. A college or a professional educational institution has to get recognition from the concerned university, which normally requires certain conditions to be fulfilled before recognition. It has been held that conditions of affiliation or recognition, which pertain to the academic and educational character of the institution and ensure uniformity, efficiency and excellence in educational courses are valid and that they do not violate even the provisions of Article 30 of the Constitution: but conditions that are laid down for granting recognition should not be such as may lead to governmental control of the administration of the private educational institutions.” *(Para 70 of the Supreme Court Judgement)*

3. Taking into consideration the law held by the Supreme Court of India, the Government direct that the managements of the unaided non-minority institutions while making admissions by themselves as ordered in the G.O. fourth read above, should implement the Rule of reservation (Communal reservation) of the State Government.

(By order of the Governor)

**V.K.SUBBURAJ,  
SECRETARY TO GOVERNMENT.**

To

The Director of Technical Education , Chennai-25

The Registrar, Anna University, Chennai-25

The Director of Medical Education, Chennai-6

The Director of Agriculture, Chennai-6

The Director of Animal Husbandry, Chennai-

The Registrars of all Universities of Tamil Nadu

The Chairman/Chairperson of all the unaided professional colleges.

through (The Director of Technical Education, Chennai-25

The Director of Medical Education, Chennai-6.

The Director of Legal Studies, Chennai

The Director of Agriculture, Chennai

The Director of Animal Husbandry, Chennai)

Copy to

The Registrar General, Supreme Court of India, New Delhi

The Registrar General, High Court of Madras, Chennai-104

The Advocate General of Tamil Nadu, High Court of Madras, Chennai-104

The Special Government Pleader(Education)

The High Court of Madras, Chennai-101.

The Ministry of Human Resource Development, New Delhi.

The Chairman, All India Council for Technical Education, New Delhi

The Regional Officer, Southern Region, All India Council for Technical Educ