The Tamil Nadu Admission to Undergraduate Professional Courses on Preferential Basis to Students of Government Schools Act, 2021

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The Tamil Nadu Admission to Undergraduate Professional Courses on Preferential Basis to Students of Government Schools Act, 2021

Act No. 14 of 2021

An Act to provide for preference in admission to undergraduate professional courses in Universities, Government colleges and Private colleges for the students who studied in Government schools.

WHEREAS the Government received several representations from various sections of the society that enrolment of Government school students in professional courses related to Engineering, Agriculture, Veterinary, Fisheries and Law has been low over the past several years with request to improve their representations;

AND WHEREAS a Commission comprising of senior officials under the Chairmanship of Hon'ble Justice Thiru. D. Murugesan (retired Chief Justice of the High Court of Delhi) was constituted to examine the issues related to socio-economic conditions of the students studying in Government schools, disadvantages suffered by such students, if any, and their past enrolment in various categories of professional courses/ educational institutions; and that if the said issues have led to their under

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representations, suggest remedial measures to improve the representation of State Government school students in the admission to professional courses such as Engineering, Agriculture, Veterinary, Fisheries, Law, etc.;

AND WHEREAS the Commission, based on the assessment and analysis made on the subject under reference, considering the poor socio-economic conditions of the parents of the Government school students, disadvantage suffered by such students and the meagre enrolment of such students in professional courses, apart from making very many suggestions to improve/uplift their standard of education, has recommended that not less than 10% of seats in Engineering, Agriculture, Veterinary, Fisheries, Law and allied professional courses in Universities, Self-financing colleges and Government colleges may be set apart, to provide preference in admission to Government school students without affecting the rule of reservation in force in the State;

AND WHEREAS Articles 14 and 15 of the Constitution permit reasonable classification on intelligible differentia and thereby permits different treatment to unequals;

AND WHEREAS the Government, after careful consideration of the recommendation of the said Commission, have decided to set apart seven and a half per cent. of seats in the admission to undergraduate professional courses on preferential basis to students of the State Government schools;

1. Short title and commencement.— (1) This Act may be called the Tamil Nadu Admission to Undergraduate professional courses on preferential basis to students of Government schools Act, 2021.

(2) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "aided institution" means an educational institution which receives grant from the Government under section 10 of the Tamil Nadu Private Colleges (Regulation) Act, 1976.

(b) "Government" means the State Government;

(c) "Government seats" mean,—

(i) all the seats in undergraduate professional courses in Universities, University colleges and Government colleges;

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(ii) such number of seats in aided institutions, as may be directed by the Government; and

(iii) 65 per cent. of seats in undergraduate professional courses in non-minority educational institutions and 50 per cent. of such seats in minority educational institutions or the seats as arrived at in accordance with the consensus between such institutions and the Government;

(d) "Government schools" mean and include Government schools, Corporation schools, Municipal schools, Panchayat Union schools, Adi Dravidar and Tribal Welfare schools, Kallar Reclamation schools, Forest Department schools and other schools managed by Government departments;

(e) "minority educational institution" means an educational institution recognised or declared as such by the Government, subject to such conditions as may be prescribed;

(f) "private school" means a school which is not a Government school;

(g) "Students studied in Government schools" mean children who have studied from Sixth standard to Higher Secondary course in a Government school.

Explanation.— For the purpose of this definition, children belonging to weaker section and disadvantaged group who have studied upto Eighth standard in a specified category school or an unaided school, as per clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 and studied all remaining standards upto Higher Secondary course in a Government school, shall be deemed to be 'Students studied in Government schools';

(h) "undergraduate professional courses" mean the first year of Bachelor of Engineering, Agriculture, Veterinary Science, Fisheries Science, Law including other professional courses as may be notified by the Government;

(i) "University" means a University established or incorporated by an Act of the State Legislature.

3. Admission on preferential basis.— Notwithstanding anything contained in any law for the time being in force and subject to section 5, seven and a

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half per cent. of the Government seats shall be set apart on preferential basis to students studied in Government schools.

4. Right to compete for other seats not to be affected.— Students studied in Government schools shall also be entitled to compete for the Government seats, other than those set apart on preferential basis, along with the students who studied in private schools.

5. Reservation to apply.— Admission of students studied in Government schools on preferential basis under section 3 shall be made by following the reservation as per the law in force.

6. Filling up of preferential seats.— Notwithstanding anything contained in section 3, where adequate number of students studied in Government schools are not available for admission to the seats set apart on preferential basis, such unfilled seats shall be filled up with the students who studied in private schools.

7. Power to make rules.— (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette,* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made, notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

8. Power to give directions.— The Government may, from time to time, give such directions as it may deem fit for giving effect to the provisions of this Act.

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9. Power to remove difficulties.— If any difficulty arises in giving effect to any provisions of this Act, the Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

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