

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.03.2018

CORAM
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.335 of 2018
and
WMP.Nos.392 & 393 of 2018

1.D.Lakshmikandhan
2.S.Siranjeevi

..Petitioners

vs

1.University Grants Commission,
rep. by its Chairman,
Bahadur Shah Zafar Marg, ITO,
Metro Gate No.3, New Delhi-110 002.

2.Mother Teresa Women's University,
Rep. by its Registrar,
Attuvampatti, Dindigul District,
Kodaikanal-624 101.

3.The State of Tamil Nadu,
rep. by its Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai-600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the 2017 notification issued by the 2nd respondent as per UGC Letter F4-2/90 (NET) dated 13th June 2017 suffers from the vice of under inclusion classification and violative of Article 14 of the Constitution in so far as the subject Physical Education has not been included in the 2017 notification issued by the 2nd respondent for filling up the posts of Assistant Professors in various subjects in Government and Government Aided Colleges and consequently issue a direction, directing the 1st respondent to forthwith instruct the 2nd respondent to issue a supplementary notification including the subject Physical Education as one of the subjects eligible for Tamil Nadu State Eligibility Test (TNSET) to be held by the 2nd respondent on 09.02.2018 or any other subsequent date.

For Petitioners :Mrs.Nalini Chidambaram, SC
for Mrs.C.Uma

For Respondents :Mr.P.R.Gopinath for R1
Mr.M.Elumalai for R2
Mr.C.Munusamy, Spl GP for R3

O R D E R

This writ petition has been filed to declare that the 2017 notification issued by the 2nd respondent as per UGC Letter No.F4-2/90 (NET) dated 13th June 2017 suffers from the vice of under inclusion classification and violative of Article 14 of the Constitution, insofar as the subject Physical Education and direct the 1st respondent to forthwith instruct the 2nd respondent to issue a supplementary notification including the subject Physical Education as one of the subjects eligible for Tamil Nadu State Eligibility Test (TNSET) to be held by the 2nd respondent on 09.02.2018.

2.When the matter was taken up for consideration, the learned standing counsel for the first respondent submitted that the authorities concerned have proposed to include the subject - Physical Education in TNSET for the forthcoming academic year. To substantiate the said submission, the learned standing counsel has also filed a counter affidavit of the first respondent, wherein, at paras 19 and 20, it has been averred as follows:

"19.The petitioners are trying to mislead the Hon'ble Court by referring to the letter No.F.4-2/90 (NET) of UGC dated 13.06.2017 in paragraph 6 of the petition as the basis for non-inclusion of 'Physical Sciences' in the subsequent examination of Tamil Nadu SET. This letter pertained to the revised qualifying criteria of SET, a copy of which is enclosed as Annexure-III. As already mentioned in the paragraph 10 above, the accreditation to Mother Teresa Women's University to conduct SET on behalf of the State of Tamil Nadu has been provided by the University Grants Commission vide UGC letter dated 07.01.2016, a copy of which is enclosed as Annexure-I. The said accreditation is valid till 06.01.2019.

20.Regarding paragraph 7 of the writ petition, it is clarified that the stand of Respondent No.1, i.e. UGC is based on well-laid out principles. As made clear in the preceding paragraphs, the existing accreditation of Tamil Nadu SET is due to expire after 06.01.2019. The State Government can then nominate a suitable nodal agency to conduct SET on its behalf and

submit a fresh proposal in the proforma prescribed by UGC, which also includes the subject-wise vacancy position of teaching faculty in the universities located in the state. The process of identifying the subjects in which accreditation should be granted for conducting SET would then be carried out by UGC as per procedure laid out and described succinctly in the preceding paragraphs."

3.This Court is of the opinion that in the light of the averments made in the counter affidavit, as extracted above, it is unnecessary to pursue this writ petition. Hence, recording the same, the writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd

ASSISTANT REGISTRAR (CS VI)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Chairman,University Grans Commission,
Bahadur Shah Zafar Marg, ITO,
Metro Gate No.3, New Delhi-110002.

2.The Secretary to Government,
Higher Education Department,
Fort St. George, Chennai-600 009.

2CC'S TO THE GOVT PLEADER SR.NO.: 17435 AND 17376

W.P.No.335 of 2018

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