

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.30408 of 2019

and

W.M.P.Nos.30400 and 30402 of 2019

1.P.Juki

2.M.Nandhini

.. Petitioners

/versus/

1.The Secretary General
Association of Indian Universities,
AIU House,
16 Kotla Marg,
New Delhi 110 002.

2.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002,
Cuddalore District.

3.The Professor and Director,
Department of Physical Education,
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002,
Cuddalore District.

4.The Organizing Secretary,
South Zone Inter University Football Women Tournament,
Christ University, (Deemed to be University),
Hosur Main Road,
Bhavani Nagar,
S.G.Palya, Bengaluru 560 029. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the 3rd respondent communication in its letter dated 21.10.2019 and quash the same and direct the third respondent to permit the petitioners to participate in the South Zone and All India Inter University Women Football

Tournament for the year 2019-2020 organized by the 4th respondent to be held on 29.10.2019 at Christ University Main Campus, Bengaluru, Karnataka and any other future Tournaments.

For Petitioners :Mr.R.Sagadevan

For Respondents :Mr.Sathish,

Standing Counsel for
R2 and R3

O R D E R

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.R.Sagadevan, learned counsel appearing for the petitioner and Mr.Sathish, learned standing counsel, who takes notice for respondents 2 and 3.

3. This Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the 3rd respondent communication in its letter dated 21.10.2019 and quash the same and direct the third respondent to permit the petitioners to participate in the South Zone and All India University Women Football Tournament for the year 2019-2020 organized by the 4th respondent to be held on 29.10.2019 at Christ University Main Campus, Bengaluru, Karnataka and any other future Tournaments.

4.The petitioners herein are the students of Annamalai University pursuing M.P.Ed course in the Department of Physical Education. When they sought permission to participate in the South Zone and All India University Women Football Tournament for the year 2019-2020, the University has refused permission stating that the eligibility criteria of Association of Indian Universities restricts to the candidates, who have not crossed the age of 25 or not exceeding 8 years from the date of qualifying in the first admission to the University or College affiliated to the University. Further, the candidates should not have crossed 3 years after passing the graduate course or equivalent while pursuing post graduate course.

5. According to the respondents 2 and 3, since the petitioners have crossed 3 years period of passing their graduation they have not eligible to participate in the South Zone and All India University Women Football Tournament for the year 2019-2020. The said communication is challenged by the petitioners on the ground that they have not crossed the age of

25 years and they became eligible to join graduation only in the year 2013, so the 8 years embargo will not apply to them.

6. In support of the said submission, the learned counsel appearing for the petitioners would rely upon the order passed by the Kerala High Court in W.P.(C)No.27892 of 2018 dated 1.10.2018 wherein the relevant provision of the Association of the Indian Universities has been discussed and has held as below:

"2. It is admitted at the Bar that the upper age for participation is 25. Since five years lapsed after passing Plus Two Examination, the petitioners were not permitted to participate in South Zone Level Competition by the University. The petitioners are national level players.

3. On a reading of the provisions as above, it can be seen that there are two limbs. The first limb refers to 8 years reckoning from qualifying examination. The second limb of 5 years is not with reference to qualifying examination, but with reference to the period during which a candidate pursuing graduate studies. Therefore, I am of the prima facie view that the second limb would come to the aid of the petitioners and the 2nd limb cannot be interpreted to reckon from the date of qualifying examination. Therefore, the petitioners are provisionally permitted to take part in South Zone Level Competition."

7. In the light of the above interpretation given by the Kerala High Court which this Court concurs the third respondent is directed to grant permission to the petitioners to participate in the South Zone and All India University Women Football Tournament for the year 2019-2020, if they are otherwise eligible to participate.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To:

1.The Secretary General
Association of Indian Universities,
AIU House,
16 Kotla Marg,
New Delhi 100 002.

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Hosur Main Road,
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S.G.Palya, Bengaluru 560 029.

+2cc to Mr.R.Sagadevan, Advocate sr.89228

+1cc to Mr.K.Sathishkumar, Advocate sr.89100

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