

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33572 of 2019

and WMP.No.34031 of 2019

1.P.Chitra
2.E.Poovitha
3.V.Shyamaladevi
4.K.Selvamani
5.Y.Mohanapriyan
6.G.Vinayagamoorthy

... Petitioners

Vs.

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 Nagar,
Chidambaram - 608 002.
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus to call for the records relating to the 3rd respondent communication in its letter dated 04.11.2019 and quash the same and direct the third respondent to permit the petitioners to participate in the south zone and All India Inter university Tournaments for the academic year 2019-2010.

For Petitioners : Mr.R.Sagadevan

For Respondents : Mr.G.Karthikeyan, ASG for R1.
Mr.K.Sathish Kumar,
standing counsel for R2 and R3.

ORDER

Mr.G.Karthikeyan, Additional Solicitor General takes notice for the first respondent and Mr.K.Sathish Kumar, Standing Counsel takes notice for the second and third respondents. Having regard to the fact that the tournament is scheduled to be taken place from 06.12.2019 onwards, and orders have been passed by this Court for the similarly placed persons, this writ petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel for the parties and perused the pleadings and materials placed on record.

3. The Petitioners in this Writ Petition are students in Annamalai University pursuing second year M.P.Ed course in the department of physical education. The details of the respective petitioners are furnished in the following self-explanatory tabular statement :-

Sl. No	Name of the petitioner	Game	Organisation where tournament is held
1	E.Poovitha d/o. G.Elangovan	Volley Ball (W) (Dec 6-10-2019)	SRM University, SRM Nagar Kattankulathur Kancheepuran (DT) Tamil Nadu
2	P.Chitra d/o. A.Pavadai	Volley Ball (W) (Dec 6-10-2019)	SRM University, SRM Nagar Kattankulathur Kancheepuran (DT), T.N.
3	K.Selvamani s/o. A.Kaspar	Basketball (M)	Hindustan Inst of Technology and science, 1, Rajiv Gandhi Salao, OMR Road, Padur, Kelambakkam, Chenna, T.N.
4	G.Vinayagamoorthy s/o.S.Govindasamy	Kho-KHO (M)	Kuvempu University Jnansahydri, Shankaraghatta Rd, Leading to Kuvempu University, Shmoga, Karnataka
5	V.Shyamala Devi d/o.V.Vasanthakumar	Basketball (w)	University of MAdras, Navalai Nagar, CHepauk, Triplicane, Chennai, T.N.

Sl. No	Name of the petitioner	Game	Organisation where tournament is held
6	Y.Mohana Priyan d/o. S.Yuvaraj	Handball (M)	Bangalore North University, Sri Devaraj Urs Extension, Tamaka, Karnataka.

4. When the petitioners sought for permission to participate in the South Zone and All India University Tournament for the academic year 2019-2020, though the University found that the petitioners satisfied the eligibility criteria in the relevant rules prescribed by the Association of Indian Universities which restricts to the candidates, who have not crossed the age of 25 years and have not exceeding 8 years from the date of qualifying in the first admission to the University, they were refused permission on the ground they have crossed three years after passing the graduate course or equivalent while pursuing post graduate course. The communication dated 04.11.2019 refusing to grant permission for this reason is challenged by the Petitioners in this writ petition and they have sought for consequential direction to direct the third respondent to permit the petitioners to participate in the South Zone and All India Inter University Tournaments for the academic year 2019-2020.

5. In support of the aforesaid relief claimed, the learned counsel appearing for the petitioners relies upon the order passed by the Kerala High Court in W.P.(C)No.27892 of 2018 dated 01.10.2018 in the case of Gladys Devassy Vs. The Secretary General, Association of Indian Universities, AIU House, New Delhi, wherein the same provisions of the rules of the Association of the Indian Universities, has been discussed as follows :-

"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."

The aforesaid interpretation made by the Kerla High Court has been concurred by this Court in the order dated 24.10.2019 made in WP.No.30408 of 2019 and the third respondent was directed to grant permission to the petitioners to participate in the South Zone and All India Inter University Tournament for the academic year 2019-2020, if they are otherwise eligible to participate. Further, the learned counsel appearing for the second and third respondents, on instruction, states that the University does not have any objections for the petitioners to participate in the aforesaid tournament.

6. Since the petitioners in this writ petition are also similarly placed persons to those in the order dated 24.10.2019 made in WP.No.30408 of 2019, the petitioners herein would also be entitled to the same benefit, if they are otherwise eligible to participate and if no other players of the game in the respective category have been selected by the University in their places.

7. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

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.

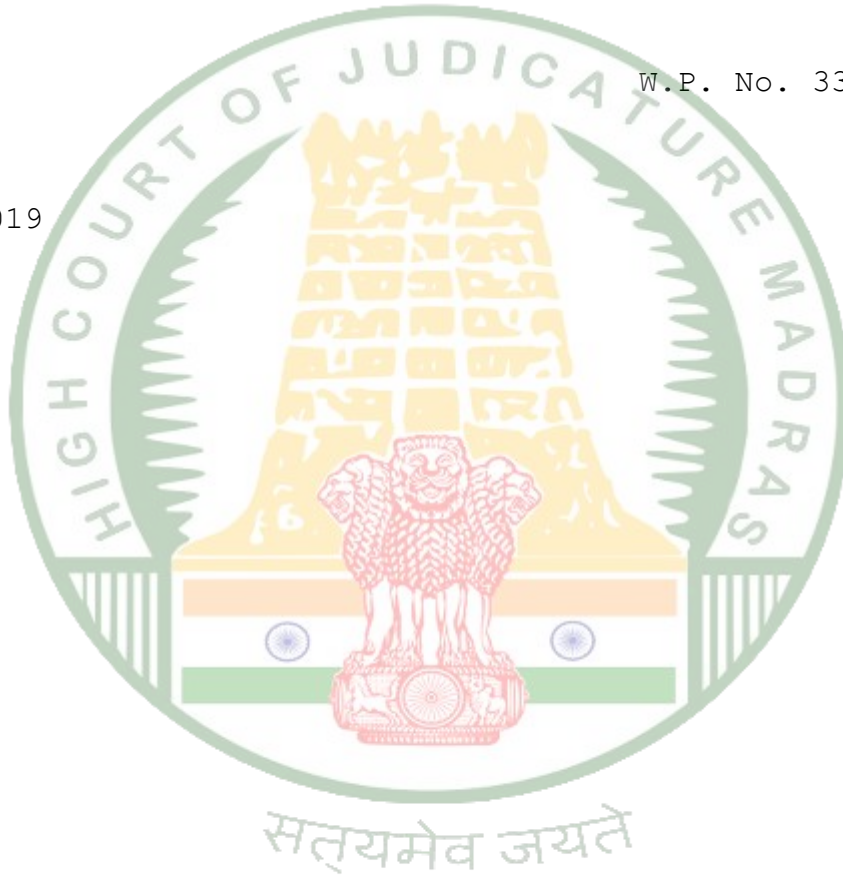
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3.The Professor and Director,
Department of Physical Education,
Annamalai Nagar,
Chidambaram - 608 002.
Cuddalore District.

+1 cc to Mr.R.Sagadevan Advocate sr101727
+1 cc to Mr.K.Sathish kumar Advocate sr101752
+1 cc to Mr.G.Karthikeyan Advocate sr10171

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