

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 20.06.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.10757 & 10758 of 2015**

N.Ramadass ... Petitioner in W.P.(MD) No. 10757 of 2015

D.Babu ... Petitioner in W.P.(MD) No. 10758 of 2015

vs.

1. University Grants Commission
Rep.by it's Chairman
Bahadur Shah Zafar Marg
New Delhi-110 002

2. The Secretary
SET 2012
Bharathiar University
Coimbatore-641 046

3. The Government of Tamil Nadu
Through its Secretary
Higher Education Department
Fort St.George, Chennai

... Respondents in both W.Ps.

PRAYER (in W.P.(MD) No.10757 of 2015): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of declaration to declare the fixation of eligibility condition that candidates should come within the UGC's qualifying criteria of 7% of the Candidates in the respective subject with cut off marks as illegal and null and void and consequently to direct the respondents to consider the petitioner bearing Roll number 09150211, Subject: Life Sciences for clearance of State Eligibility Test 2012 within a time stipulated by the Court.

PRAYER (in W.P.(MD) No.10758 of 2015): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of declaration to declare the fixation of eligibility condition that candidates should come within the UGC's qualifying criteria of 7% of the Candidates in the respective subject with cut off marks as illegal and null and void and consequently to direct the respondents to consider the petitioner bearing Roll number 01100241, Subject: History for clearance of State Eligibility Test 2012 within a time stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
(in both W.Ps.)

For Respondents: Mr.V.Maharajan for R1
(in both W.Ps.) No appearance for R2
Mr.D.Muruganantham
Additional Government Pleader for R3

C O M M O N O R D E R

The relief sought for in the present writ petitions is to declare the fixation of eligibility condition that the candidates should come within the UGC's qualifying criteria of 7% of the candidates in the respective subject with cut off marks as illegal and null and void and consequently to direct the respondents to consider the writ petitioners for clearance of State Eligibility Test 2012, within a stipulated time.

2. The selection was of the year 2012. The relief sought for is to declare that the fixation of eligibility condition that the candidate should come within the UGC's qualifying criteria 7% of the candidates. In view of the fact that the selection was concluded and the persons selected were already appointed in the service, this Court is not inclined to go into the conditions stipulated in the recruitment rules. However, it is made clear that if any illegality is committed by the competent authority in the matter of implementation of UGC regulations for selection and appointment and if any illegal appointments are made contrary to the UGC regulations, the writ petitioners are at liberty to challenge all such orders passed by the authorities concerned.

3. Accordingly, the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Krk



To:
The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai.

+ 1 CC to The Special Government Pleader SR.No.70653
+ 1 CC TO Mr.M.Rajarajan, ADVOCATE IN SR No.70581

W.P. (MD) Nos.10757 & 10758 of 2015

20.06.2019

KS (01.07.2019) 3 P 4 C