



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.10558 of 2015

S.Devi

... Petitioner

-Vs-

1.University Grants Commission,
Rep. by its 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

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned result published by the second respondent in No.Nil, dated 09.02.2013 publishing the result of the petitioner as not qualified in SET 2012 Examination, quash the same and consequently, direct the second respondent to declare the petitioner (Registration No.06210192) as pass in SET 2012 examination held on 07.10.2012 and award State Eligibility Certificate.

For Petitioner	: Mr.N.Mohamed Asif
For Respondents	: Mr.B.Vijaykarthikeyan (for R1)
	No Appearance (for R2)
	Mrs.S.Srimathy
	Special Government Pleader (for R3)

ORDER

The relief sought for in the present writ petition is to quash the impugned result published by the second respondent, dated 09.02.2013 declaring the petitioner has not qualified in SET 2012 Examination and to direct the second respondent to declare that the petitioner as a successful candidate in the SET Examination.

2.It is needless to go in detail as the case of the petitioner squarely falls under the issues decided by the Hon'ble High Court of Judicature at Madras, in order dated 23.09.2013 in W.P.Nos.5223 of 2013 etc., batch. The operative part of Judgment is reproduced below:-

"30.The State Eligibility Test conducted by
Bharathiyar University was in accordance with the norms



prescribed by UGC. Bharathiyar University followed the criteria adopted by UGC for conducting National Eligibility Test. The State Eligibility Test was conducted in the very same line suggested by UGC. While issuing notification, Bharathiyar University by following the UGC norms, indicated that the final qualifying criteria would be fixed after declaring the results. Before the Bombay High Court, petitioners contended that UGC has attempted to fix the aggregate criteria after holding the examination and as such, it was beyond the scope of the notification. The said contention was accepted by Nagpur Bench of Bombay High Court. The Supreme Court while setting aside the said Judgment observed that prescribing the final eligibility criteria has already been notified and as such, it would not amount to a change in the rule of the game.

31.The Judgment in UGC Vs. Neha Anil Bobde would cover both National Eligibility Test and State Eligibility Test. The view taken by this Court earlier that the UGC and Bharathiyar University have no right to prescribe final eligibility criteria after declaration of results no longer holds good in view of the law laid down by the Supreme Court in UGC Vs. Neha Anil Bobde.

32.Since the legality and correctness of the qualifying examination conducted by UGC, reserving the right to fix the final eligibility criteria after declaring the results, has already been decided by the Supreme Court in UGC Vs. Neha Anil Bobde and in view of the finding that there was no illegality in prescribing such condition, the present writ petitions challenging the very same procedure adopted for determining the eligibility by UGC and Bharathiyar University are liable to be dismissed.

33.In the upshot, I dismiss the writ petitions. No costs. Consequently, connected miscellaneous petitions are also dismissed."

3.In view of the fact that the facts in the present writ petition are also similar, the relief as such sought for deserves no merit consideration and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-24697[F] dated
09/12/2020)

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