



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).Nos.15477, 15478, 15479, 15480 and 15481 of 2015

W.P. (MD) .No.15477 of 2015

A.D.Selvaraj

... 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,
High Education Department,
Fort St. George, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a 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 01140273, Subject: Library and Information Science, for clearance of State Eligibility Test 2012 within the time stipulated by this Court.

W.P. (MD) .No.15478 of 2015

P.Padmavathi

... 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,
High Education Department,
Fort St. George, Chennai.

... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration to declare the fixation of eligibility condition that candidate should come within the UGCs 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 05030126, Subject: Computer Science and Applications, for clearance of State Eligibility Test 2012 within the time Stipulated by this Hon'ble Court.

W.P. (MD) .No.15479 of 2015

M.D.Geetha

... 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,
High Education Department,
Fort St. George, Chennai.

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration to declare the fixation of eligibility condition that candidate should come within the UGCs 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 05020112, Subject: Commerce, for clearance of State Eligibility Test 2012 within the time Stipulated by this Hon'ble Court.



W.P. (MD) .No.15480 of 2015

M.Rajalakshmi

... 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,
High Education Department,
Fort St. George, Chennai.

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a 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 0 5030162, Subject: Computer Science and Applications, for clearance of State Eligibility Test 2012 within the time stipulated by this Hon'ble Court.

W.P. (MD) .No.15481 of 2015

G.Kesavaraj

... 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,
High Education Department,
Fort St. George, Chennai.

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare the fixation of eligibility condition that candidate should come within the UGCs 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 02030213, Subject: Computer Science and Applications, for clearance of State Eligibility Test 2012 within the time Stipulated by this Hon'ble Court.

In All Wps.

For Petitioner : M/s.Kanimozhi
for Mr.T.Lajapathi Roy

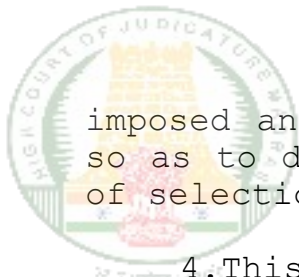
For Respondents : No Appearance (for R1 and 2)
Mr.D.Muruganandham
Additional Government Pleader (for R3)

COMMON ORDER

The relief sought for in all the writ petitions are 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 petitioners bearing Roll Numbers 01140273, Subject: Library and Information Science, 05030126, Subject: Computer Science and Applications, 05020112, Subject: Commerce, 05030162, Subject: Computer Science and Applications and 02030213, Subject: Computer applications, respectively, for clearance of State Eligibility Test 2012.

2.The grievances of the writ petitioners are that as per the notification, the petitioners are fully qualified and accordingly, successful in the State Eligibility Test. They are fulfilled the norms as contemplated in the notification. However, the conditions, subsequently changed, after the exams, cannot have any adverse impact as far as the petitioners, who have participated in the process of examination.

3.The learned counsel appearing for the writ petitioners reiterated that the petitioners appeared in the examination and cleared the SET examination. Thereafter, a new condition was



imposed and thus, such a condition cannot have any adverse effect, so as to disqualify the petitioners from getting their certificates of selection.

4.This Court is of the opinion that the similar writ petitions with reference to the very same Bharathiyar University were dealt with by this Court and the batch of writ petitions in W.P.(MD) Nos.2616 of 2013, etc, were allowed on 18.04.2013 and the relevant paragraphs are extracted hereunder:-

"...7.A similar batch of writ petitions were filed in Kerala High Court as well as before the Principal Bench of this Court. Following the order passed in the Kerala High Court, the Principal Bench of this Court allowed a batch of writ petitions on 31.01.2013 in W.P.Nos.33798 of 2012 etc., batch.

8.Paragraph 2 of the afore said order is extracted hereunder:-

"It is not in dispute that the Kerala High Court by an order dated 17.12.2012, has allowed similar writ petitions in W.P.(C)No.22187 of 2012 etc. batch. The High Court of Kerala has passed the following order:-

"53.Therefore, the fixing of the higher aggregate marks as 65%, 60% and 55% for three categories, that too just before the announcement of the result, cannot be justified as the same is not supportable in law in the light of the principles already discussed. What was absent in the regulation cannot be introduced at the fag end of the examination, just before the announcement of the result, whatever may be the justification for the same.

54.In the light of the above, the writ petitions are allowed. The proceedings fixing the category-wise qualifying criteria for Lectureship eligibility impugned in the writ petitions, is quashed. It is declared that all the petitioners who have obtained the separate minimum prescribed in the notification for papers I, II and III, have cleared the NET and appropriate follow up actions will be taken to issue certificates to them within one month from the date of receipt of a certified copy of this judgment. No costs."

9.At this Juncture, the learned counsel for the UGC has submitted that against the single Judge order



of the Kerala High Court, a writ appeal was filed before the Division Bench and arguments were heard and orders were reserved by the Kerala High Court on 25.03.2013 and order is yet to be pronounced. He has therefore, prayed for adjournment, till the order is pronounced by the Division Bench of the Kerala High Court.

10.I am not inclined to wait for the outcome of the Kerala High Court Division Bench order, particularly when the Principal Bench of this Court has allowed batch of writ petitions of similar nature. Hence, following the order of the Kerala High Court in W.P. (C)No.22187 of 2012 etc, batch, dated 17.12.2012, these writ petitions are allowed and it is declared that all the petitioners, who have obtained the separate minimum prescribed marks in the notification for papers I, II and III, pursuant to the notification dated 04.06.2012 and 10.08.2012 by the UGC and Bharathiyar University respectively, have qualified in NET/SET. In view of the said declaration, the UGC/Bharathiyar University are directed to issue appropriate certificates, within a period of 30 days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed."

5.The writ appeal filed against the above Judgment was also dismissed on 07.02.2014 in W.A.(MD)Nos.501 of 2014 etc. However, it is brought to the notice of this Court that the review application has been filed by the Bharathiyar University against the Judgment passed by the Hon'ble Division Bench of the Madurai Bench of Madras High Court. The review petition is pending. Thus, the relief as such sought for in all the writ petitions are to be granted subject to the final orders to be passed in the review petition filed by the respondent university. In other words, the orders to be passed in the review petition is to be made applicable to the writ petitioners after the disposal of the review petition.

6.With these observations, all the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

sjj



W.P.(MD).Nos.15477, 15478, 15479, 15480 and 15481 of 2015

To

The Secretary,
The Government of Tamil Nadu,
High Education Department,
Fort St. George, Chennai.

+4 CC to Mr.T.LAJAPATHI ROY, Advocate SR-20588.
+1 CC to SPL GP SR.No.20538.

W.P. (MD) .Nos.15477, 15478, 15479,
15480 and 15481 of 2015
16.10.2020

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