



W.P. No. 26823 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

**W.P. No. 26823 of 2013
and
M.P. No. 1 and 2 of 2013**

The Net/Slet Association,
Represented by its Member,
S.Arockia Baskaran,
Old No. 9/154, New No. 10/3,
Mariyamman Kovil Street,
Morupathy,
Mettupalayam,
Musiri (T.K.),
Thiruchirappalli – 621 210.

... Petitioner

-VS-

1. Union of India,
Represented by its Secretary,
Ministry of Human Resources Development,
Shastri Bhavan,
New Delhi – 110 001.
2. University Grants Commission,
Represented by its Secretary,
No. 9, Bahadur Shah Zafar Marg,
New Delhi – 110 002.
3. Government of India,
Represented by its Secretary,
Department of Higher Education,
Fort St. George,
Chennai – 600 009.



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4. Teachers' Recruitment Board,
Represented by its Member Secretary,
EVK Sampath Maligai,
College Road,
Chennai – 600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records on the file of the Fourth Respondent relating to the impugned Notification/Advertisement No. 4/2013 dated 28.05.2013 and to quash the same as the classification criteria on the basis of weightage of mark is irrational and arbitrary and consequently direct the Fourth Respondent to issue a fresh Notification/Advertisement in consonance with the UGC Regulations 2009 and 2010.

For Petitioner : Mr. R.Prabhakaran

For Respondents : No appearance (for R1)

Mr. P.R.Gopinath (for R2)

Mr. P.Sathish,
Additional Government Pleader (for r3)

Mr. V.Kathirvelu (for R4)



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ORDER

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Heard Mr. R.Prabhakaran, Learned Counsel for the Petitioner, Mr. P.R.Gopinath, Learned Counsel for the Second Respondent, Mr. P.Sathish, Learned Additional Government Pleader appearing for the Third Respondent and Mr. V.Kathirvelu, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, which is an association, has filed this Writ Petition challenging the Notification/Advertisement No. 4/2013 dated 28.05.2013 published by the Fourth Respondent as the classification criteria on the basis of weightage of mark is irrational and arbitrary and to consequently direct the Fourth Respondent to issue a fresh Notification/Advertisement in consonance with the University Grants Commission Regulations, 2009 and 2010.

3. In view of the dictum laid down by the Hon'ble Supreme Court of India in *Mahinder Kumar Gupta -vs- Union of India* [(1995) 1 SCC 85] that an Association cannot file a Writ Petition seeking relief espousing the cause of its individual members and does not affect any legal right of that Association, this Writ Petition at the instance of an Association cannot be entertained.



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Miscellaneous Petitions are closed. No costs.

30.08.2023

Index: Yes/No

Note: Issue order copy by 09.10.2023.

vjt

To

1. The Secretary to Government of India,
Ministry of Human Resources Development,
Shastri Bhavan,
New Delhi – 110 001.
2. The Secretary,
University Grants Commission,
No. 9, Bahadur Shah Zafar Marg,
New Delhi – 110 002.
3. The Secretary to Government,
Department of Higher Education,
Fort St. George,
Chennai – 600 009.
4. The Member Secretary,
Teachers' Recruitment Board,
EVK Sampath Maligai,
College Road,
Chennai – 600 006.



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P.D. AUDIKESAVALU, J.

vjt

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