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W.P.No.14985 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.14985 of 2023 and
W.M.P.No.14546 of 2023

A.Afrina Banu

.. Petitioner

VS

The Registrar,
University of Madras,
Centenary Building,
Chepauk, Chennai – 600 005.

.. Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in Official Communiation No.ERC/OT Arabic Final/2022-23-660 dated 27.04.2023, quash the same and consequently, directing the respondent to permit the petitioner to complete the course.

For Petitioner : Mr.G.Surya Narayanan

For Respondent : Mr.M.Palanimuthu
Standing Counsel



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ORDER

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The petitioner, a private candidate, applied for Oriental Title Final Examination of B.A. Arabic on 21.03.2023. Her application was returned by the impugned communication dated 27.04.2023 that she is not having the required age. Challenging the same, the petitioner has moved the instant writ petition.

2.Considering the fact that the main examination is scheduled to be held on 29.05.2023, this Court entertained this writ petition in the vacation sitting on 10.05.2023 and directed the respondent to file their counter affidavit. The respondent University has also filed their counter affidavit on 23.05.2023.

3.By consent, this writ petition is taken up for final disposal.

4.Learned Counsel appearing for the petitioner submitted that the Oriental Title Examination (Arabic) is of two parts, viz., preliminary exam and final exam. The petitioner, on successful completion of the entrance exam, applied for the preliminary exam on 06.05.2022. The respondent has granted an order of age relaxation for the Academic Year 2022 and as such, the petitioner was permitted to participate in the preliminary exam and she successfully cleared the same on



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01.09.2022. As such, she became eligible to participate in the final examinations and accordingly, she applied for the final examinations on 21.03.2023.

5.He further submitted that the respondent University, without ascertaining the correct age as required under the Rules, has mechanically issued the impugned communication, assuming that the petitioner's age as 19 years and 10 months as on 31.07.2022. The examination is scheduled to be conducted for the year 2023 on 29.05.2023 and the age, as per the Rules, has to be calculated as on 31.07.2023 and not as on 31.07.2022, as done by the respondent.

6.He has also relied upon the paragraph no.6 of the counter affidavit filed by the respondent, wherein, the respondent has claimed that as on 21.03.2023, ie., date of submission of application, the petitioner had completed only 19 years 10 months. According to the petitioner's Counsel, the petitioner's date of birth is 09.09.2002 and as such, as on 21.03.2023, she had completed 20 years. But, a wrong statement has been made in the counter affidavit, which would show that the respondent has mechanically dealt with the application of the petitioner. Therefore, he prayed for appropriate orders.



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7.Learned Standing Counsel appearing for the respondent / University, by relying upon the counter affidavit, vehemently opposed for this petition. As per the Rules, the required age has to be calculated as on 31.07.2022 for the final exam. Since the petitioner has completed only 19 years 10 months as on 31.07.2022, she is not eligible for the OT Arabic Final Exam for the Academic Year 2022-23, which was duly informed in the impugned communication.

8.Learned Standing Counsel has also clarified that on 18.05.2023, it was wrongly represented by the then Standing Counsel before this Court that no examination is scheduled to be conducted on 29.05.2023. In fact, the Oriental Title Arabic Final Exams are scheduled to be conducted on 29.05.2023.

9.This Court considered the rival submissions made by the respective Counsel and also perused the available materials.

10.The Rules for the Oriental Title – Arabic, Persian & Urdu are usefully extracted as under:-

“I.ENTRANCE TEST

Age : Should have completed the age of 17 years as on

31st July of every year (ie., statutory date of submission of



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application for exemption)

Eligibility Condition : No basic qualification is required.

II.PRELIMINARY PART OF THE O.T. EXAMINATION

Age : Should have completed the age of 18 years as on 31st July of every year (ie., statutory date of submission of application for exemption)

Eligibility Condition : Candidates for admission to the preliminary part of the Oriental Title Examinations shall be required to have passed HSC (XII years) or its equivalent examination or Entrance Test to the O.T. Examination in the language concerned.

III.ORIENTAL TITLE – FINAL

Age : Should have completed the age of 20 years as on 31st July of every year (ie., statutory date of submission of application for exemption)

Eligibility Condition : Candidates for admission to the final part of the O.T. Examination shall be required to have passed the preliminary part of the O.T. Examination in the language concerned.”



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11. It is not in dispute that this petitioner was permitted to participate in the preliminary examinations in the year 2022 and she has also successfully cleared the same. The candidates who have completed the preliminary examinations alone are eligible to participate in the final examinations. Accordingly, the petitioner, after completing the preliminary exam, applied for the final exam of OT Arabic on 21.03.2023. The same was returned holding that the age of the petitioner, as on 31.07.2022, was only 19 years 10 months and therefore, she is not eligible to participate in the final exam scheduled to be held on 29.05.2023.

12. The petitioner has applied as a private candidate to participate in the entrance exam in the year 2021 and after clearing the same, she applied for the preliminary exam on 06.05.2022. At that time, she was not having the required age and the respondent University has passed an order granting exemption in the age requirement. Accordingly, by availing the said exemption, the petitioner participated in the preliminary exam which was conducted in the year 2022. The petitioner has also successfully cleared the preliminary exam. Since the petitioner has cleared the preliminary exam, she is now eligible to participate in the final exam. However, the respondent, by referring that she is not having the required age as on 31.07.2022, has returned the application. According to the respondent's Counsel, the required age is 20 years and as on 31.07.2022, the petitioner was only



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19 years 10 months.

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13. Admittedly, the petitioner has applied for the final exam only on 21.03.2023, on which date, she has completed 20 years. The final exam is scheduled to be conducted only on 29.05.2023. The fact remains that in the year 2022, the University themselves have granted some age relaxation for certain candidates, which was utilized by this petitioner as well. She has also participated and successfully cleared the preliminary exam and now, she applied for the final exam. Having allowed the petitioner to participate in the preliminary exam by granting the age relaxation and now blocking her to participate in the final exam by citing the age criteria is not proper. Let the petitioner's prospective future need not be affected owing to some technicalities.

14. Therefore, this Court is inclined to interfere with the impugned communication dated 27.04.2023 and accordingly, the same is set aside. The respondent University is directed to permit the petitioner to participate in the OT Arabic Final Exam, which is scheduled to be conducted on 29.05.2023, based on the petitioner's application dated 21.04.2023.



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In fine, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation : Yes/No
gk/drm

Note: Issue order copy by 26.05.2023

To

The Registrar,
University of Madras,
Centenary Building,
Chepauk, Chennai – 600 005.



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B.PUGALENDHI, J.

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