



W.A.Nos.4190, 4277 and 3436 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.A.Nos.4190, 4277 and 3436 of 2019

The University Grants Commission,
National Educational Test (NET),
Bahadur Shah Zafar Marg,
New Delhi-2.

... Appellant
in (all WAs)

versus

1.K.Latha

... first appellant in
W.A.Nos.4190 of 2019

2.B.Gopinath

... first appellant in
W.A.Nos.4277 of 2019

3.T.Raarathi

... first appellant in
W.A.Nos.3436 of 2019

2.The Secretary

Ministry of Human Resources Development,
New Delhi.

... Second Respondent
in (all WAs)

PRAYER in W.A.Nos.4190 of 2019: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 31.01.2013 in W.P. No.880 of 2013.

PRAYER in W.A.Nos.4277 of 2019: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 31.01.2013 in W.P. No.33798 of 2012.



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PRAYER in W.A.Nos.3436 of 2019: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 31.01.2013 in W.P. No.34656 of 2012.

For Appellants : Mr.P.R.Gopinath
(all Wps)

For Respondents : R1- served through paper
publication
(all WPs)

COMMON JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

Since the issue involved in the appeals is one and the same, a common order is passed.

2. Though notice sent to the respondents has been returned unserved, substituted service has been taken by the appellant and proof of service has also been filed.

3. The appellant University Grants Commission has filed the instant writ appeals, against the orders of the writ court dated 31.01.2013, allowing the writ petitions filed by the private respondents herein.

4. According to the appellant University Grants Commission, the



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issue involved in the present writ appeals is no longer *res integra* in the light of the order passed by the Hon'ble Supreme Court in the case of ***University Grants Commission and Another vs Neha Anil Bobde (Gadekar) reported in (2013) 10 Supreme Court Cases 519*** which covered both National Eligibility Test (NET) and State Eligibility Test (SET) by prescribing the eligibility criteria.

5. Learned Standing Counsel for appellant University Grants Commission relies upon the above decision of the Hon'ble Supreme Court, and prays to set aside the orders of the Writ Court, impugned in the present Writ Appeals, as the impugned orders were passed by the Writ Court, even before the decision of the Hon'ble Supreme Court in the above matter. The Hon'ble Supreme Court in the above decision, has specifically held as follows:

Para 7 of the Notification deals with the Scheme of the Act which clearly indicates that the candidates are required to obtain minimum marks separately in Paper I, Paper II and Paper III. It also clearly indicates that only such candidates who obtain minimum required marks in each paper will be considered for final preparation of results. The final qualifying criteria for JRF and eligibility for lectureship shall be decided by UGC before declaration of result. Above clause deals with the following requirements to be followed



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before the final declaration of the results:-

26.1. Candidates to obtain minimum marks separately in Paper I, Paper II and Paper III;

26.2. Candidates who have satisfied the above criteria only would be subjected to a qualifying criteria before the final preparation of result; (Consideration Zone)

26.3. UGC has to fix the final qualifying criteria before the declaration of results.

26.4. Candidates are seeking final declaration of results the moment they have obtained the minimum marks separately in Paper I, Paper II and Paper III, ignoring the other two steps, referred to hereinbefore, and also forgetting the fact that only those who obtain the minimum required marks alone will fall in the consideration zone. All these steps, as we have referred to above, have been clearly stipulated in the notification for NET Examination, 2012.

27. We find, 2,04,150 candidates have obtained the minimum marks separately in Paper I, Paper II and Paper III. All those candidates were subjected to a final qualifying criteria fixed by the Committee constituted by the UGC, since they fell within the Consideration Zone. Applying the final qualifying criteria, the Committee made the following recommendations :-

i) The Committee recommended that a total of 43,974 candidates may be declared qualified for lectureship eligibility as per the qualifying criteria given below :-

<i>Category</i>	Minimum Qualifying Percentage			
	Paper I	Paper II	Paper III	Aggregate



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Category	Minimum Qualifying Percentage			
General	40%	40%	40%	65%
OBC (non-creamy layer)	35%	35%	45%	60%
SC/ST/PWD	35%	35%	40%	55%

ii) *The Committee recommended that the NET Bureau may finalize the JRF awardees as per the criteria mentioned above out of those candidates who had opted for JRF and have qualified for lectureship eligibility.*

iii) *The Committee authorized the Chairman, University Grants Commission to declare the result for eligibility for lectureship and Junior Research Fellowship as recommended by the Moderation Committee.*

While concluding the deliberations, the Committee expressed the appreciation for the painstaking effort of the NET Bureau in analyzing the results and presenting its findings.

28. *We notice, based on the recommendations of the Expert Committee, the final results were declared and 43,974 candidates were declared qualified for lectureship eligibility as per the qualifying criteria. As already indicated, some more relaxation was also granted in favour of those persons who got the minimum qualifying marks since those candidates figured amongst the top 7% of all the candidates who appeared in NET, which was in addition to the candidates declared as qualified in the original result declared on 18.9.2012. 15,178 candidates were benefitted by that relaxation. Consequently, as already stated, a total of 57,550 candidates were declared passed in*



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*the
NET Exam. 2012.*

5. We are of the view that the decision rendered by the Hon'ble Supreme Court cited supra squarely applies to the facts of the case on hand, since the Hon'ble Supreme Court has laid legal principles of law with regard to both National Eligibility Test (NET) and State Eligibility Test (SET) by prescribing the eligibility criteria. Therefore, we are of the view that the order of the Writ Court, impugned in the instant appeals is liable to be set aside. In fine, the orders dated 31.01.2013 passed in W.P.Nos.880 of 2013, 33789 of 2012 and 34656 of 2012 by the learned Single Judge, are aside. Consequently, the writ appeals stand allowed. C.M.P.Nos.26077, 26769 and 22045 of 2019 are closed.

[D.K.K., J.] [P.B.B., J.]
21.08.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

D.KRISHNAKUMAR, J.
and



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P.B. BALAJI, J.

(mrn)

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