



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.30992 of 2024
and W.M.P.No.33602 of 2024

Sakthivel

... Petitioner

Vs.

1.The University of Grant Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2.The Registrar,
Pondicherry University,
R.Venkatraman Nagar,
Kalapet,
Puducherry – 605 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 2nd respondent from rejecting the petitioner's candidature for the post of Multi-Tasking Staff, which was called for by the 2nd respondent vide Advt No.PU/RC/NT/2023/46 dated 27.09.2023, on the ground of age limit and consequently directing the 2nd respondent to appoint him in the said post of Multi-Tasking Staff, as per the Rank List by following the



Model Cadre Recruitment Rules, 2022 issued by the 1st respondent for the recruitment of Non-Teaching Posts in the Central Universities.

For Petitioners : Mr.P.Rajkumar Pandian

For Respondents : Mrs.A.V.Bharathy
Standing Counsel

ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the 2nd respondent from rejecting the petitioner's candidature for the post of Multi-Tasking Staff, which was called for by the 2nd respondent vide Advt No.PU/RC/NT/2023/46 dated 27.09.2023, on the ground of age limit and consequently directing the 2nd respondent to appoint him in the said post of Multi-Tasking Staff, as per the Rank List by following the Model Cadre Recruitment Rules, 2022 issued by the 1st respondent for the recruitment of Non-Teaching Posts in the Central Universities.

2.The case of the petitioner is that the 2nd respondent issued Notification dated 27.09.2023 calling for applications to fill up various non-teaching posts. In the instant case, this Court is concerned with the post of Multi Tasking Staff. The



petitioner applied for the said post. The petitioner participated in the selection and his name was also included in the list of candidates qualified for Stage-II examination.

3.The grievance of the petitioner is that his candidature was not considered in view of the age of the petitioner at the time of submission of the application based on the old rules applied by the 2nd respondent. The petitioner had sent a representation in this regard and since the same did not evoke any response, the present writ petition has been filed before this Court.

4.Heard Mr.P.Rajkumar Pandian, learned counsel for the petitioner and Mr.A.V.Bharathy, learned Standing Counsel for respondents.

5.The UGC issued Model Cadre Recruitment Rules for non-teaching posts of Central Universities in the year 2022. As per these rules insofar as the post of Multi Tasking Staff, the age limit for direct recruitment was fixed as 32 years. Previously, the 2019 rules governed the field and the age limit was fixed as 25 years.



WEB COPY

6.It is also relevant to take note off Clause 1.2 of the general rules which states that these rules will come into force with effect from the date of issuance of notification by the University. The learned Standing Counsel appearing on behalf of the respondents on instructions submitted that the existing rules of the year 2019 was applied in the present recruitment process since the University did not issue a separate notification adopting the 2022 rules issued by UGC.

7.The notification issued by the 2nd respondent dated 27.09.2023 has fixed the age limit for Multi Tasking Staff as 25 years. As on the date of submission of the application, the petitioner was aged about 29 years and 4 months. Even though the petitioner initially participated in the selection and he also qualified for Stage-II examination, the 2nd respondent University found that the petitioner lacks essential qualification in terms of age limit and therefore, the petitioner was not permitted to participate any further in the recruitment process.

8.The learned Standing Counsel appearing on behalf of the respondents brought to the notice of this Court the UGC regulations dated 18.07.2018. The



learned Standing Counsel specifically pointed out to Clause I (1.2) and submitted that this regulation will apply to every University established or incorporated under a Central Act or a State Act and it will include every Constituent or an affiliated college recognised by the Commission.

9.The learned Standing Counsel also pointed out to Clause (1.2) and submitted that every University or Institution shall after coming into force of the regulations, will take effective steps for the amendment of the statues, ordinances etc., in accordance with the regulations. The said amendment should be carried out as soon as possible but not later than within six months. In view of the same, it was contended that the rules that were brought in by the UGC in the year 2022 ought to have been implemented by the respondent University.

10.The specific stand of the respondent University is that the 2019 rules alone can apply for this recruitment and the age limit has been fixed as 25 years and the petitioner who had crossed this age limit as on the date of submitting the application, is not entitled to participate in the selection.



11. The age limit of 25 years was fixed under the 2019 rules. Subsequently, the UGC has increased it to 32 years under the 2022 rules. It is true that the concerned University should issue a separate notification by adopting the rules and bring it into force. However, the University is supposed to issue the notification at the earliest and not later than six months as mandated under the 2018 regulations of UGC. Therefore, by the time the 2nd respondent issued the notification on 27.09.2023, they ought to have issued the notification by adopting the rules brought into force by UGC. Since the same has not been done by the 2nd respondent University, the blame cannot be thrown on the candidate by showing the old rules. If the rules have not been notified within six months, this Court must only construe that the rules have already come into force.

12. In the light of the above discussion, the candidature of the petitioner cannot be rejected on the ground that the petitioner had crossed 25 years at the time of submission of the application. This Court has already held that the 2022 rules are deemed to have come into force and therefore, on the date when the notification was issued by the 2nd respondent on 27.09.2023, the age limit for the post of Multi-Tasking Staff (non-Teaching post) must be construed as 32 years as



per the 2022 rules. Consequently, since the petitioner was only 29 years and 4 months, he had the necessary qualification to submit the application.

13. In the light of the above discussion, the candidature of the petitioner shall not be rejected by the 2nd respondent on the ground of age limit and his candidature shall be considered for appointment to the post of Multi-Tasking Staff (non-Teaching post), if the petitioner is otherwise qualified and is within the zone of consideration.

14. In the result, this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



WEB COPY



N. ANAND VENKATESH, J.

SSI

To

1.The University of Grant Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2.The Registrar,
Pondicherry University,
R.Venkatraman Nagar,
Kalapet,
Puducherry – 605 014.

W.P.No.30992 of 2024
and W.M.P.No.33602 of 2024

23.10.2024