

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 01ST DAY OF OCTOBER 2018 / 9TH ASWINA, 1940

WP(C).No. 30495 of 2018

PETITIONER:

SRUBIN K.V., AGED 23 YEARS,
S/O. M.V. CHANDU, RESIDING AT KARKKOTTUVEETIL,
KALIKADAVU, PILICODE (P.O), KASARAGOD. PIN-671 310.

BY ADVS.
SRI.JAWAHAR JOSE
SMT.CISSY MATHEWS
SRI.SARUN RAJAN

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
SPORTS AND YOUTH AFFAIRS DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM. PIN - 695 001.
 - 2 THE KANNUR UNIVERSITY,
THAVAKKARA, CIVIL STATION P.O, KANNUR,
PIN-670 002, REP.BY ITS REGISTRAR.
 - 3 THE DEPARTMENT OF PHYSICAL EDUCATION,
KANNUR UNIVERSITY CAMPUS, MANGATTUPARAMBA, KANNUR.
PIN-670 561, REP.BY ITS DIRECTOR DR.P.T.JOSEPH.
 - 4 THE PRINCIPAL, SREE NARAYANA COLLEGE,
THOTTADA P.O, KANNUR. PIN-670 007.
 - 5 THE ASSOCIATION OF INDIAN UNIVERSITIES,
16, COMRADE INDRAJIT GUPTA MARG, NEW DELHI.
PIN-110002, REP.BY ITS SECRETARY GENERAL.
- BY ADVS.
SRI.M.SASIDHARAN, SC, KANNUR UNIVERSITY
SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA
SMT. G. RENJITHA, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01.10.2018, ALONG WITH WP(C) NOS.27892/2018, 29063/2018,
31661/2018, 30686/2018, 30275/2018, 31976/2018, 31922/2018,
31738/2018, 31958/2018, 31964/2018, 31873/2018 & 30823/2018 THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

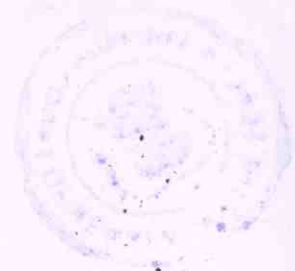
Petitioners in all these writ petitions have approached this Court as they were not permitted to participate inter collegiate competition in various events under different Universities in the State, in the light of the Revised Eligibility Rules for Participation of Students/Athletes in National University Games for 2017-18 onwards issued by Association of Indian Universities. This Court, on 05.09.2018, passed a detailed order in W.P.(C) No.27892/2018, which reads as follows :

"The petitioners passed Plus Two Examination in the year 2013. They joined B.Sc Degree course in an affiliated college with the Calicut University in the year 2016. As on today, the petitioners are aged only 24 years. They want to participate in the South Zone Inter University Women Kho-Kho Tournament. The South Zone level competition would commence from 13.9.2018. The qualification prescribed by the Association of Inter University is as follows:

"Not more than 8 years have elapsed since a student passed the examination qualifying him/her for first admission to a university or college affiliated to a university. The 8 year period mentioned above shall be distributed as below:-

'i) not more than 5 years after passing 10 or equivalent while pursuing graduate courses/studies'

2. It is admitted at the Bar that the upper age for participation is 25. Since five years lapsed after passing Plus Two Examination, the petitioners were not permitted to participate in South Zone level competition by the University. The petitioners are national level players.



-:4:-

3. On a reading of the provisions as above, it can be seen that there are two limbs. The first limb refers to 8 years reckoning from qualifying examination. The second limb of 5 years is not with reference to qualifying examination, but with reference to the period during which a candidate pursuing graduate studies. Therefore, I am of the prima facie view that the second limb would come to the aid of the petitioners and the 2nd limb cannot be interpreted to reckon from the date of qualifying examination. Therefore, the petitioners are provisionally permitted to take part in South Zone level competition. The participation would be subject to further orders in the matter.

Counter, if any, shall be filed in the matter within two weeks. Post on 19.9.2018."

That interim order was passed according to the interpretation with regard to the stipulation of qualification. The learned Assistant Solicitor General of India filed a statement stating that the interpretation as accorded to the rules by this Court is proper and correct. In the light of the above, making interim order in W.P.(C) No.27892/2018, as absolute, all these writ petitions are disposed of. It is made clear that the interim order passed in W.P.(C) No.27892/2018 is applicable to all these writ petitions and participation of petitioners will be in accordance with interpretation as to the Rules given by this Court, as above.

These writ petition are disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

7