

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-07-2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21867 OF 2015

- 1.B.Balamurugan
- 2.D.Kamalraj
- 3.Indra
- 4.R.Jevvangan
- 5.C.Balamourougane
- 6.M.Priya
- 7.B.Balavinothini
- 8.G.Punitha Sarmila
- 9.S.Jegadeeswari
- 10.E.Antony Joseph
- 11.R.Senthil Vadivoo
- 12.J.Vijayabarathy
- 13.N.Rajeswari
- 14.S.Rantheep Raja

... Petitioners

-vs-

- 1.Union of India,
represented by its Chief Secretary,
Government of Puducherry,
Chief Secretariat,
Pondicherry.
- 2.The Secretary,
Department of Higher Education,
Government of Puducherry,
Chief Secretariat,
Pondicherry.
- 3.The Registrar,
University of Pondicherry,
Kalapet,
Pondicherry.
- 4.The Member Secretary,
Pondicherry Society for Higher Education (PONSHE),
PIPMATE Building,
Lawspet,
Pondicherry.

- 5.KEN Consulting Private Limited ... Respondents
Bangalore.

Petition under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorarified mandamus, to call
for the records pertaining to the impugned Notification dated
22.06.2015 issued by the fourth respondent vide Notification
No.527/PONSHE/Esst/E-2/2015, quash the same and direct the

respondents 1,2 and 4 to directly absorb the petitioners without the intervention of the fifth respondent, and permit the petitioners to acquire their educational qualification, as notified by the UGC and regularize the service of the petitioners in the post as Assistant Professors from the date of their initial appointment, conferring them with all other consequential benefits.

For petitioners : Mr.B.Balavijayan
For respondents 1 & 2 : Mr.A.Tamilvanan,
Govt.Advocate (Pondy).
For respondent 3 : Mr.Balamurugan

O R D E R

The petitioners are working as Assistant Professors in various subjects in the fourth respondent institution. Admittedly, they are all appointed after 10.11.2010 and possessing only M.Phil. qualification. The Notification, dated 10.11.2010, of the fifth respondent, which is enclosed at page No.5 of the Typed Set of documents, called for applications to fill up the posts of Assistant Professor, prescribing the qualification as NET/SLET/Ph.D. in the relevant fields. However, in the said notification, it is also stated that if there is non-availability of NET/SLET/Ph.D.candidates, M.Phil. candidates will also be considered. In those circumstances, the petitioners have been appointed as Assistant Professors.

2. Be that as it may, the University Grants Commission has issued regulations, namely, UGC (Minimum qualifications required for the appointment and career advancement of teachers in universities and institutions affiliated to it) (3rd Amendment), Regulations, 2009, prescribing the qualification for the post of Assistant Professor, as follows :

"NET/SLET shall remain the minimum eligibility condition for recruitment and appointment of Lecturers in Universities/Colleges/Institutions.

Provided, however, that candidates, who are or have been awarded Ph.D. Degree in compliance of the "University Grants Commission (minimum standards and procedure for award of Ph.D. Degree), Regulation, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions."

3. Therefore, from the year 2009 onwards, one should have possessed NET/SLET/Ph.D. qualification to seek appointment to the post of Assistant Professor. As, in this case, the petitioners have not possessed the requisite qualification, they cannot seek to continue in service or regularise their services and also question the notification, calling for applications to fill the posts they are holding, from qualified candidates.

4. Writ Petition, therefore, fails and is dismissed. No costs. Consequently, the connected M.P.Nos.1 to 3 of 2015 are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1.The Chief Secretary,
Union of India,
Government of Puducherry,
Chief Secretariat,
Pondicherry.
- 2.The Secretary,
Department of Higher Education,
Government of Puducherry,
Chief Secretariat,
Pondicherry.
- 3.The Registrar,
University of Pondicherry,
Kalapet,
Pondicherry.
- 4.The Member Secretary,
Pondicherry Society for Higher Education (PONSHE),
PIPMATE Building,
Lawspet,
Pondicherry.

1 cc to Government Pleader-cum- Sr.Public Prosecutor,High Court,
Chennai -104..Sr.No.37497

1 cc to Mr.Balamurgan , Advocate Sr.No.37536

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jsv(co)
pmk.11.8.2015

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