

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1085 of 2017
and CMP No.15117 of 2017

1. B.Deepan Kumar
2. S.Karthik
3. E.Palani
4. K.Prabu
5. J.Mani
6. P.Ramesh
7. N.Silambarasan
8. C.Parthipan
9. N.K.Vivekanandhan
10. S.Elumalai
11. A.Ravichandran ... Appellants/Petitioners

versus

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

.. Respondents/Respondents

Prayer: Writ Appeal filed against the order dated 11.07.2017
passed in W.P.No.15913 of 2017.

WP.No.15913 of 2017:Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus,
directing the 1st respondent to rationalize the method of
selection to the post of Assistant Professor in Collegiate
Education by conducting selection through written competitive
examination in consonance to Article 14 and 16 of Constitution

of India with fair and transparent selection procedure by considering the representation submitted by the petitioners dated 29.05.2017 within a time frame to be fixed by this Honourable Court.

For Appellants : Mr.A.Maheshnath

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader.

JUDGMENT

(Order of the Court was made by S.MANIKUMAR, J.)

Appellants numbering 11 have filed W.P.No.15913 of 2017, for a mandamus, directing, the Principal Secretary to Government, Higher Education Department, Chennai, 1st respondent herein to rationalise the method of selection to the post of Assistant Professor in Collegiate Education by conducting selection through written competitive examination in consonance with Article 14 and 16 of Constitution of India, with a fair and transparent selection procedure, by considering the representation submitted by them dated 29.05.2017, within a time frame.

2. After hearing the learned counsel for the appellants and the apprehension expressed regarding the irregularities, likely to be committed, in selecting the candidates, vide order dated 11.07.2017, writ Court, by observing that the appellants, have not established a semblance of right to maintain a writ petition, dismissed the same.

3. Though, the appellants have relied on a decision of the Hon'ble Supreme Court in Ajay Hasia Vs. Khalid Mujib Sehravardi, reported in 1981 (1) SCC 722, and contended that selection cannot be solely based on an interview and reiterated the averments made before the writ Court, material on record discloses that for selecting candidates for the post of Assistant Professor in Collegiate Education Services and for appointment in Government Arts and Science Colleges, Teachers Recruitment Board, Chennai, has been following the procedure contemplated in G.O.Ms.No.412 Higher Education (F2) Dept., dated 04.12.2009, Govt.Lr.No.20575A/F2/2011, dated 27.06.2012 and G.O.

(Ms.) No.32, Higher Education (F2) Dept. dated 08.03.2013 , which reads thus,

1	For Teaching experience in Universities / Government / aided colleges / Self financing colleges in the approved post including the Teaching experience (in the relevant subject) of the candidates in Medical / Engineering / Law Colleges. (2 marks for each year subject to a maximum of 15 marks)	Maximum 15 Marks
2.	Qualification	9 Marks
	(a) For Ph.D in concerned subject	9 Marks
	(b) For M.Phil with SLET/NET	6 Marks
	(c) For PG & SLET/NET	5 Marks
3	Interview	10 Marks
Total		34 Marks

4. Contention of the learned counsel for the appellants that selection is solely based on interview, is apparently not correct for the reason that out of 34 marks, Government have awarded, 15 marks for teaching experience, as stated supra, and for educational qualifications, awarded different marks, as stated supra.

5. Decision in Ajay Hasia's case is made applicable to the case on hand. Criteria stated supra is to all the candidates who have applied for the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for appointment in Government Arts and Science Colleges. Appellants/writ petitioners, have no right to insist that selection should be made through competitive examination, in consonance with Article 14 and 16 of the Constitution of India. Prescription of educational qualifications and method of selection is purely the prerogative of the appointing authority. In the case on hand, all are treated equally and their inter se merit is decided on the basis of their teaching experience, educational qualifications and interview. Process of selection is not arbitrary.

6. As rightly observed by the writ Court, likelihood of unfairness in the matter of selection, cannot be a ground for a candidate, to suggest a different mode of selection, than the one prescribed by the Teachers Recruitment Board, the authority

constituted for recruitment. There is no manifest error in the order, warranting interference. Writ appeal is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

+1 cc to the Government Pleader sr 66241
+1 cc to M/s.G.Sankaran Advocate sr 65960

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and CMP No.15117 of 2017

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