

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.32405 of 2017 and
WMP.Nos.35690 and 35691 of 2017

S.Radhakrishnan

.. Petitioner

Vs.

1. The University Grants Commission
rep. by its Secretary,
Bahadursha Zafar Marg,
New Delhi.
 2. The Secretary to Government,
Department of Higher Education,
Secretariat,
Fort St. George,
Chennai-9.
 3. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar,
Park Town, Chennai-3.
- .. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the Impugned Notification No.27/17 issued by the 3rd respondent dated 21.11.2017 and quash the same and consequently, direct the 3rd respondent to issue Fresh Notification as per the UGC Notification dated 11.07.2016.

For Petitioner : Ms.Greetha Senthilkumar

For 2nd Respondent : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader

O R D E R

The Writ Petition has been filed, challenging the correctness of the Notification No.27/17 issued by the 3rd respondent, namely, the Tamil Nadu Public Service Commission, dated 21.11.2017, inviting applications through online mode upto 20.12.2017 for Direct Recruitment for various posts, namely, 1.

College Librarian in Government Arts and Science Colleges, 2. District Library Officer, and 3. Assistant Librarian and Information Officer for Anna Centenary Library in Public Libraries Department.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. An unusual attack was made by the learned counsel for the petitioner challenging only a part of the Notification requiring consistent Good Academic Record from the eligible candidates for the post of College Librarian. Against such condition imposed by the TNPSC contrary to the the UGC norms, the present writ petition has been filed. Though several grounds have been raised in the Writ Petition, the learned Counsel for the petitioner mainly attacked the impugned order on the ground that for the post of College Librarian, apart from Master's Degree in Library Science or Documentation Science or an equivalent Professional Degree with not less than 55% of marks or its equivalent grade, where grading system is practiced, consistently good academic record has been asked for which according to the petitioner, is totally against the UGC norms. In support of this contention, the learned Counsel referring to the University Grants Commission Notification dated 11.07.2016 submitted that in column No.3.4.1 it has been stated that a relaxation of 5% may be provided at the graduate and Master's level for the Scheduled Caste/Scheduled Tribe/Differently-abled (physically and visually differently-abled) categories for the purpose of eligibility and for assessing good academic records during the direct recruitment to teaching positions. Hence, according to the learned Counsel for the petitioner, since the Notification issued by the TNPSC is not in fine tune with the UGC Norms, it has to be set aside.

4. This Court is not able to find any merit in the said submission of the learned Counsel for the petitioner for the reason that the TNPSC, in order to improve the quality of education, has fixed the higher qualification than the one fixed by the UGC, therefore, in my view, the contention of the petitioner that the TNPSC has prescribed the qualification higher than the one fixed by the UGC cannot be entertained. In all matters, it is not necessary that the State Government is bound to follow the Education Qualification mentioned by the University Grants Commission. It is open to them to fix higher qualification than the criteria fixed by the UGC Norms. In the present case, the stand taken by the petitioner that the impugned Notification issued by the Tamil Nadu Public Service Commission insisting upon all the eligible candidates should have good academic record shall be deleted as it is against the

norms of the University Grants Commission, is wholly misconceived.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
University Grants Commission,
Bahadursha Zafar Marg,
New Delhi.
2. The Secretary to Government,
Department of Higher Education,
Secretariat,
Fort St. George, Chennai-9.
3. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town, Chennai-3.

+1cc to Mr.GREETHA SENTHIL KUMAR, Advocate, S.R.No. 89736
+1cc to the Government Pleader, S.R.No. 89083

W.P.No.32405 of 2017

NRI (CO)
TR(17/01/2018)

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