

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33191 of 2014

and

MP.No.1 of 2014

Dr.B.Seetha Devi

..Petitioner

Vs

1.Government of Tamil Nadu,
Teacher Recruitment Board,
Rep.by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

2.Government of Tamil Nadu,
Teacher Recruitment Board,
Rep.by its Secretary,
Department of Higher Education,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

3.Director of Collegiate Education,
DPI Compound,
College Road,
Chennai - 600 006.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to permit the petitioner participate in the interview for the post of Assistant Professor in Commerce in Government Arts and Science College for the year 2012-2013 commences on 15.12.2014 to 19.12.2014 and consequently direct the 1st respondent to appoint the petitioner as Assistant Professor in Commerce in Government Arts and Science College in the event of petitioner coming within the zone of consideration for selection.

For Petitioner : Mr.N.G.R.Prasad
for M/s. Row and Reddy

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to permit the petitioner to participate in the interview for the post of Assistant Professor in Commerce in Government Arts and Science College for the year 2012-2013 which commences on 15.12.2014 to 19.12.2014 and consequently direct the first respondent to appoint the petitioner to the post of Assistant Professor in Commerce in Government Arts and Science College, in the event of petitioner coming within the zone of consideration for selection.

2. The learned counsel appearing for the writ petitioner made a submission that the petitioner, pursuant to the notification issued by the first respondent, participated in the process of selection for recruitment to the post of Assistant Professor in Commerce in Government Arts and Science College for the year 2012-2013, conducted by the first respondent. The contention of the petitioner is that the writ petitioner was possessing the teaching experience from 24.8.1995 onwards. The writ petitioner has served as a Lecturer in Commerce from 24.8.1995 to 31.3.1996 in Bakthavatchalam Memorial College for Arts and Science College for Women, Chennai, from 21.6.1996 to 02.09.1998 in Vivekananda College of Arts and Science College for Women, Thiruchengode, from 16.12.1998 to 10.4.2010 in Bharathiyar Arts and Science College for Women, Attur, Salem District, from 19.7.2010 to 31.3.2011 in Pavai Arts and Science College for Women, Namakkal and finally from 01.12.2011 to till date of submitting her application in A.E.T College of Arts and Science for Women, Narasingapuram, Attur, Salem District.

3. The petitioner has completed her M.Com., degree during 1994 and M.Phil., in the year 1996 and thereafter completed Ph.D., in the year 2012. Thus, the writ petitioner is fully qualified for appointment to the post of Assistant Professor in Commerce. The grievances of the writ petitioner is that the service experience has not been properly weighed by the respondents and the marks, as admissible, as per the notification had not been awarded in respect of the teaching experience acquired by the writ petitioner. The writ petitioner states that the cut off mark fixed for selection was 23 and as per her teaching experience from the year 1995, the respondents

ought to have granted more marks as per the notification. In other words the evaluation of teaching experience by the respondents was erroneously made resulting in denial of appointment to the writ petitioner to the post of Assistant Professor in Commerce.

4. At the outset, the writ petition itself is filed on the ground that due weightage for the service experience has not been awarded to the writ petitioner resulting in denial of selection and appointment.

5. The learned Additional Government Pleader appearing for the respondents, in support of the counter affidavit, stated that the respondents have adopted an uniform method in respect of the assessment of the teaching experience. After the issuance of the notification one individual Thiru.Chandrasekar has filed a writ petition in W.P.No.18186 of 2013 before this Court seeking a direction to the Teachers Recruitment Board challenging the notification dated 28.5.2013 and for all consequential direction to consider his work experience for awarding marks. As per the direction of this Court, the Board issued Corrigendum on 02.08.2013 informing the candidates the yardstick for awarding marks for the Teaching Experience as detailed below :

Sl. No.	Date	Qualification Prescribed by UGC for appointment of Lecturers in College/Universities
1.	Before 1991	P.G.with 50% minimum marks
2.	19.9.1991	P.G with 50% minimum marks with pass NET/ SLET
3.	1993	P.G with 55% minimum marks with NET/SLET
4.	31.7.2002	P.G with 55% marks with NET/SLET. Exemption for Ph.D., dissertation submitted before 31.12.2002
5.	14.6.2006	P.G. with 55% minimum marks with NET/SLET. Exemption for M.Phil for taking U.G. Class & Ph.D., for taking P.G. Class
6.	30.6.2010	P.G with 55% minimum marks with NET/SLET. Exemption only for Ph.D., holders.

6. The writ petitioner Dr.B.Seetha Devi, applied for the post of Assistant Professor for Computer Science in the Backward

Class communal turn as per the notification. The respondents called her for certificate verification and during the certificate verification it was found that she acquired M.Com., in April 1993, M.Phil, in April, 1994 and Ph.D., in November, 2012. During the certificate verification, the teaching experience of the writ petitioner has been taken into account for awarding weightage marks for the period of service rendered by her in Bharathiar Arts and Science College (W), Attur, Salem District, which she is entitled as per the Corrigendum. Subsequently, she joined another college viz., Pavai Arts and Science College for Women, Anaipalayam, Namakkal District with effect from 19.7.2010. However, the writ petitioner did not possess requisite qualification i.e., either Ph.D., or SLET/NET etc., as per the UGC norms, therefore, the following period from 19.7.2010 to 30.11.2012 could not be taken into account for awarding weightage marks. Thus, as per the corrigendum, the services of the writ petitioner have been counted for awarding weightage marks only with effect from 01.12.2012 i.e., after completing the Ph.D., degree (November 2012) which is the requisite qualification for recruitment to the post of Assistant Professor after 30.6.2010 as per the above corrigendum. Accordingly, the teaching experience of the writ petitioner has been counted from 01.12.2012 to 31.5.2013 and she was awarded 2 marks for the same. In total, the writ petitioner was awarded 10 marks towards teaching experience and 9 marks for her educational qualification. As such the total marks secured by the writ petitioner is 19 marks. The respondent board shortlisted the candidates at the ratio of 1:5 for interview based on the marks secured in the certificate verification followed by communal roster. The cut off mark for the Backward Class communal turn is 23 marks. However, the writ petitioner has secured 19 marks and she did not secure eligible cut off marks, so as to include her name in the short listed candidates. For these reasons, the petitioner was not called for interview.

7. At the outset, the learned counsel appearing for the respondents informed this Court that the writ petitioner has not secured the cut off mark of 23, thus, her name has not been included in the list of shortlisted candidates. Accordingly, there is no infirmity in the process of selection in respect of the writ petitioner.

8. This Court is of the view that the arguments advanced by the learned counsel appearing for the writ petitioner that the teaching experience of the writ petitioner is to be counted from 24.8.1995 onwards cannot be considered in view of the fact the respondents has issued a corrigendum, pursuant to the orders passed by this Court in W.P.No.18186 of 2013. Further it is not disputed that the same yardstick for awarding of marks was

adopted in respect of all the candidates who participated in the process of selection. When an uniformed method is followed in respect of the award of marks for the teaching experience, this Court cannot consider the claim of the writ petitioner for adopting a different method so as to calculate the teaching experience from the year 1995 onwards. All the candidates who participated in the process of selection were granted marks for their teaching experience as per the yardstick followed by the respondents, pursuant to the corrigendum issued on 2.8.2013 on the notification.

9. Thus, there is no irregularity in the process of selection and further the writ petitioner has not secured the cut off mark of 23 in respect of the backward class communal turn. Thus, the writ petition is devoid on merits and accordingly, the writ petition stands dismissed. However, there shall no order as to costs. Consequently, connected miscellaneous petition is closed.

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sd/
ASSISTANT REGISTRAR

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SUB-ASSISTANT REGISTRAR

To

1. The Chairman,
Government of Tamil Nadu,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.
2. The Secretary Department of Higher Education,
Government of Tamil Nadu,
Teacher Recruitment Board,
Rep.by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

3. Director of Collegiate Education,
DPI Compound,
College Road,
Chennai - 600 006.

+1CC to M/s. Row and Reddy Advocate SR.NO.79058
+1CC to Govt Plader SR.NO.79320

W.P.No.33191 of 2014

KK[CO]
MK:29/11/2017



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