

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2017

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.195 of 2015
and M.P.No.1 of 2015

Dr.A.Saminathan

... Petitioner

Versus

1. State of Tamil Nadu
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600009.

2. The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.

3. Director of Collegiate Education,
Chennai - 600 006.

... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the 2nd respondent to produce the minutes of the interview and allocation of mark for the interview held on 15.12.2014 for appointment to the post of Assistant Professor (Commerce) and award 10 marks, instead of 6 marks, to the petitioner bearing Regn.No.13AP1615005 and consider the petitioner for appointment to the post of Assistant Professor (Commerce) under B.C. category for direct recruitment of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts & Science Colleges - 2012.

For Petitioner : Mr.C.Vediappan
for M/s.C.S.Associates

For Respondents : Mr.A.Zakir Hussain, G.A.

O R D E R

The prayer in the writ petition is to issue a writ of mandamus directing the second respondent to produce the minutes of the interview and allocation of mark in the interview held on 15.12.2014 for the appointment to the post of Assistant Professor (Commerce).

2. The case of the petitioner is that after passing M.Phil., (Commerce) in April 1997, SLET test in March 1998 and Ph.D., (Commerce) in January 2011, he joined as Assistant Professor (Commerce) in Arts & Science College, Gobichettipalayam on 08.03.1993 and he worked there till 20.01.1996, thereafter he worked as Assistant Professor (Commerce) in Park's College, Chinnakkarai, Tirupur from 01.04.1996 15.06.1997 and thereafter worked as Assistant Professor (Commerce) in Maharaja Co-Education Arts & Science College, Perundurai till 07.09.2011 i.e., 14 years 2 months and 22 days.

3. The petitioner would further state that the second respondent Board called for applications to fill up the posts of Assistant Professor on 28.05.2013. As per the notification they allotted marks to be given to the candidates under various categories. In response to the notification, the petitioner also applied, the respondent has awarded 9 marks for the qualification and 15 marks for teaching experience. Based on the marks awarded, the candidates were called for certificate verification and interview on 15.12.2014.

4. The petitioner would allege that the interview Board had asked questions in different field, the petitioner answered all the questions correctly. Therefore, he is entitled for 10 marks meant for interview instead he was awarded only 6 marks. Aggrieved over the same the present writ petition is filed.

5. The respondents filed a counter stating that the Government has issued orders in G.O.(1D)No.143 Higher Education (F2) Department dated 01.08.2014 to the Teachers Recruitment Board regarding the guideline to be followed for the conduct of interview and Constitution of Interview Boards. The relevant portion is extracted hereunder:-

"The Teachers Recruitment Board to constitute the Interview Board for direct recruitment of Assistant Professors in Government Arts and Science Colleges and Colleges of Education as follows"-

Sl. No.	Designation in the Interview Board	Designation
1	Chairperson	Director of Collegiate Education/Regional Joint Director of Collegiate Education/Principal of Grade - 1 Government Colleges.
2	Member	Members of Teachers Recruitment Board/Grade-1 Government College Principals.
3	Subject Expert - I	University Professor / Reader in concerned subject
4	Subject Expert - II	Principal of Government College/Associate Professor of Government College in concerned subject.
5	SC/ST representative	Associate Professor belonging to SC/ST

6. It is further stated that the Government vide in G.O.Ms.No.32, Higher Education (F2) Department dated 08.03.2013 has issued orders prescribing criteria for awarding marks during the conduct of interview for selection of Assistant Professors in Government Arts and Science Colleges and Colleges of Education through Teachers Recruitment Board apart from awarding marks for teaching experience (15 marks) and higher qualification (9 marks) and for interview (10 marks) as per G.O.Ms.No.412 Higher Education (F2) Department dated 07.12.2009.

7. The learned Government Advocate would submit that the respondent, as per G.O.'s stated supra, conducted interview and awarded marks. The petitioner belongs to Backward community and he had scored only 30 marks.

8. The learned Government Advocate further submitted that the Board, after conduct of the interview, drawn professional selection list for the post of Assistant Professors in Commerce and published the final selection list in the website of Teachers Recruitment Board on 20.08.2013. The selection list was drawn, the cut off mark of the last candidates selected in GT(G) BC(G) scored 32 & 31 marks respectively. However, since the

petitioner has scored only 30 marks, he could not be selected.

9. It is to be seen that though the petitioner has contended that he answered all the questions correctly, no materials have been placed to substantiate the same. It is not in dispute that the interview Board consists of two experts and one of the members

is an Assistant Professor belongs to SC/ST. Admittedly, no personal allegations have been made against the members in the selection committee.

10. Considering the above facts and circumstances of the case and also the fact that the selection was made by an expert committee, this Court does not find any reason to call for the production of the minutes of the interview. In the result this writ petition is dismissed. No costs. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq

To

1. State of Tamiladu
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.

2. The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.

3. The Director of Collegiate Education,
Chennai - 600 006.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.41696

+1cc to the Government Pleader, S.R.No.41561

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KGK(CO)
CS/30/06/17