



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD).No.264 of 2015

and

M.P.(MD).Nos.2 & 3 of 2015 &

W.M.P.(MD).No.2962 of 2016

Vasumathi

.. Petitioner

Versus

1. The Principal Secretary,
Government of Tamil nadu,
Secretariat, Fort. St.George, Chennai-600 006.

2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, Sampath Maligai,
D.P.I. Compound, College Road,
Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O.Ms.No.412, Higher Education Department dated 04.12.2009 and G.O.Ms.No.32, dated 08.03.2013 and also Govt Lr.No.20575A/F2/2011 dated 27.06.2012 issued by the 1st respondent herein and quash the same and consequently direct the respondents 1 and 2 either reduce the marks for Ph.D holder awarding 9 marks to 5 marks or Ph.D holder with SLET / NET holder awarding 9 marks to be appointed as Assistant Professor in the vacant posts of 1093 vacancies in Tamil Nadu Collegiate Education Service for Government Arts and Science College, 2012.

For Petitioner : Mr.K.P.Ramesh

For R1

: Mrs.S.Srimathy

Special Government Pleader

For R2

: Mr.V.R.Shanmuganathan

Special Government Pleader

ORDER

Heard Mr.K.P.Ramesh, learned counsel appearing for the petitioner, Mrs.S.Srimathy, learned Special Government Pleader appearing for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the second respondent.

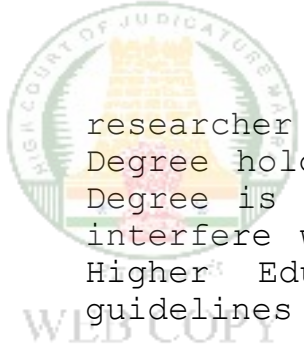


2.The grievance of the petitioner herein is that under G.O.MS.No.32, Higher Education (F2) Department, dated 08.03.2013, marks prescribed for the candidates to participate in the selection process for the Assistant Professor is arbitrary and awarding nine marks for Ph.D. holder without NET/SLET Examination is in excessive. The petitioner applied for the post of Assistant Professor (Computer Science) in the Government Arts and Science College. She contends that she is fully qualified to be appointed as Assistant Professor having passed NET/SLET Examination with M.Sc., and M.Phil., Degree in Computer Science. Since she does not possess Ph.D Degree, she will be considered only below Ph.d Holder, without NET/SLET qualification. Thus, it is contended that under G.O.Ms.No.32, Higher Education Department is arbitrary and and the same is liable to be quashed. For better understanding, G.O.M.S.No.32, is extracted below.

3.Perusal of the notification does not indicate any arbitrariness or mala fide. As per the UGC regulations 2010 major reform in higher education including qualification for teaching staff has been brought in. The State has passed G.O.M.S.No.32, Higher Education Department 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		
	(a) For Ph.d in concerned subject	9 Marks	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

(i).Marks for interview has been prescribed as 10 marks and for other qualifications possessed by the candidate, specific marks with upper limit is prescribed. Candidate with M.Phil., and SLET/NET qualification awarded with six marks, whereas a candidate with Ph.D in the subject would be awarded nine marks. If a person has cleared P.G. with 55% or above and possessed Ph.D. Degree, under the proviso to Regulation 3.3.0 and 3.3.1 of UGC Regulations he need not clear NET / SLET Examination. The petitioner herein did not have Ph.D. Degree and at that point of time, she attempt to make out a case of arbitrariness in the cut off marks prescribed for each qualification under G.O.M.S.No.32, Higher Education Department. The



researcher is definitely a better qualified person than a M.Phil Degree holder. Therefore, awarding nine marks for possessing Ph.D Degree is no way arbitrary. Hence, this Court finds no reason to interfere with the wisdom of the Government issuing G.O.M.S.No.32, Higher Education Department, which is in consonance of the guidelines of the UGC norms.

4.The Writ Petition stands dismissed. The interim order already passed by this Court on 09.01.2015 shall stand vacated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal Secretary,
Government of Tamil nadu,
Secretariat, Fort. St.George,
Chennai-600 006.
2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, Sampath Maligai,
D.P.I. Compound, College Road,
Chennai-600 006.

+ 1 CC TO Mr.K.P.RAMESH, ADVOCATE IN SR No. 94962

TSG
TE/SV/SAR-1 : 12/12/2018 : 3P/4C

W.P. (MD) .No.264 of 2015
09.11.2018