



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2018**

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) Nos. 21879 to 21881 of 2017  
and  
W.M.P. (MD). Nos. 18194 to 18196 of 2017

|                |    |                                         |
|----------------|----|-----------------------------------------|
| V.Kalpana      | .. | Petitioner in W.P.(MD).No.21879 of 2017 |
| Dr.G.Rajendran | .. | Petitioner in W.P.(MD).No.21880 of 2017 |
| V.Gurusamy     | .. | Petitioner in W.P.(MD).No.21881 of 2017 |

Vs.

The Tamil University,  
Represented by its Registrar,  
Tamil University,  
Thanjavur.

.. Respondent in all the writ petitions

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records from the respondent Tamil University, Thanjavur relating to the impugned website notification of the same Thanjavur Tamil University dated 11.11.2017 in item 6 under the caption Folklore-Educational qualification prescribed for Assistant Professor and quash the same.

|                |                           |
|----------------|---------------------------|
| For petitioner | : Mr. P.Senthurpandian    |
| For respondent | : Mr. B.Vijay Karthikeyan |
|                | Standing Counsel          |
|                | (in all writ petitions)   |

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**COMMON ORDER**

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Heard the learned counsel on either side.

2. The petitioners in these writ petitions question the notification dated 11.11.2017 issued by the respondent/University in all the writ petitions insofar as it relates to Item No.6, namely recruitment to the post of Assistant Professor (Folklore).



3. The petitioners are aggrieved by the incorporation of M.A.(Tamil) as an alternative essential qualification for the said post.

4. The learned counsel appearing for the petitioners drew the attention of this Court to the relevant regulation issued by the University Grants Commission. Clause 4.4.2.1 of University Grants Commission (Minimum Qualification for Appointment of Teachers and other Academic Staff in Universities and Colleges and other measures for the Maintenance of standards in Higher Education), Regulations, 2000 stipulates the eligibility recruitment for the post of Assistant Professor as under:

*"4.4.2.1.i. Good academic record with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) at the Master's Degree level, in the relevant subject or an equivalent degree from an Indian/Foreign University."*

5.A plain reading of the aforesaid Clause indicates that what is stipulated as an essential educational qualification is the possession of Master Degree with not less than 55% marks in the relevant subject or an equivalent degree from an Indian/Foreign University. The post in question is that of Assistant Professor (Folklore). The petitioners are having Masters Degree in Folklore. Therefore, when a similar issue arose before this Court in connection with recruitment in Madurai Kamaraj University. The Hon'ble Division Bench of this Court in W.P.(MD).No.2306 of 2006, dated 05.12.2006 held that Master's Degree in Tamil cannot be considered to be a relevant subject for selection and appointment to the post of Lecture in Folklore. It was specifically held that inclusion of said degree was bad in law and it was not in conformity with the University Grants Commission regulations.

6. The learned counsel appearing for the respondent would contend that the said writ petition pertains to Madurai Kamaraj University and not to Tamil University which is unitary in character.

7. However, this Court is not persuaded by the arguments of the learned Standing Counsel for the respondent. In this connection it is to be noted that the Tamil University for the previous year, more or less a similar notification was issued and the same was challenged in W.P.(MD).No.3064 of 2007. The said writ petition came to be dismissed as infructuous by order dated 28.01.2012. But the counter affidavit filed by the respondent University in the writ petition is significant. When a similar challenge was mounted, the authorities chose to scrap the selection process altogether. They also took a stand before this Court that in view of the Division Bench Judgment holding that only M.A., (Folklore) candidates are eligible to be considered for

Lectureship in Folklore, the selection process was stopped.

8. The respondent University admitted before this Court that the regulations of University Grants Commission have since been adopted by the Tamil University. A specific admission was made that only in view of the order dated 05.12.2006 in W.P.(MD). No.2306 of 2006 the respondent University scraped the selection process. Having taken such a specific stand, this Court finds it strange that the very same University wants now to distinguish the aforesaid Division Bench decision.

9. The respondent University draws its salary grant from University Grants Commission. The respondent University cannot be heard to contend that the regulations of University Grants Commission are not binding on it. Having already admitted that they have adopted the aforesaid regulation, a different stand cannot now be permitted to be taken.

10. The Hon'ble Division Bench has categorically held that the Master degree in relevant subject in this case would only be M.A., (Folklore). Therefore, incorporating M.A. (Tamil) as alternative essential qualification is clearly an infraction of the statutory regulation. The impugned notification is quashed to the extent it is challenged.

11. These Writ Petitions stand allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

**To**

The Registrar,  
Tamil University,  
Thanjavur.

+ 3 ccs TO Mr.B.Vijay Karthikeyan , Advocate in SR No. 46151  
+ 1 cc TO Mr.P.Senthur Pandian , Advocate in SR No. 46825

kmi  
AE/SKN RSK/SAR4/24.05.2018/3P/6C