

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM****W.P. (MD) No.11000 of 2013****and****M.P (MD) No.1 of 2013**

S.Hilda Mabel,
Lecturer/ Assistant Professor in Chemistry,
St.Johns College, Palayamkottai,
Tirunelveli District.

... Petitioner

-vs-

1. The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.
2. The Director of Collegiate Education,
College Road,
Chennai- 600 006.
3. The Joint Director of Collegiate Education,
Tirunelveli,
Tirunelveli District.
4. T.D.T.A Church of South India,
St.Johns College,
represented by its Secretary,
Palayamkkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the third respondent to grant qualification approval and the respondents 1 and 2 to consequently to pass an order approving the appointment of the Petitioner as Lecturer/Assistant Professor Chemistry in the St.Johns College, Palayamkottai from 29.5.2009 with all salary emoluments and attendant benefits insofar as the Petitioner S.Hilda Mabel is concerned, within the a time frame fixed by this Court.



For Petitioner : M/s. Joseph Thatheus Jerome
For Respondent-1 : Mr. E. Marieskumar
for M/s. Ajmal Associates
For Respondents : Mr. R. Sethuraman,
2 and 3 Special Government Pleader
For Respondent-4 : Mr. S. Alagusundar

WEB COPY

O R D E R

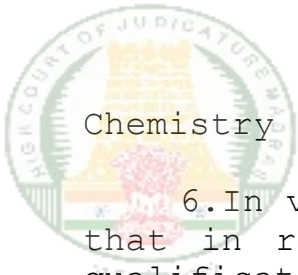
The learned counsel for the Writ Petitioner states that the Writ Petitioner was appointed as Assistant Professor in Chemistry Department on 29.5.2009. The Writ Petitioner is fully qualified to hold the post of Assistant Professor. The petitioner is possessing the educational qualification of B.S.C (Chemistry) M.S.C. (Chemistry), M.Phil (Chemistry) and M.Ed Science. Thus the Writ Petitioner is fully qualified in accordance with the rules in force.

2. The grievance of the Writ Petitioner is that in respect of the long service rendered in the Department of Chemistry as Assistant Professor, her appointment is yet to be approved by the University and in this regard, the College-Management also sent proposals. However, no decision has been taken in spite of the fact that the Writ Petitioner is fully qualified in accordance with the Rules.

3. The learned counsel for the first respondent states that the University is bound by the University Grants Commission regulations and while considering the proposal for approval, the University has to scrupulously follow the UGC regulations. Thus the case of the Petitioner has to be considered with reference to the UGC regulations.

4. The learned counsel for the Petitioner states that the Honourable Supreme Court in the case of **P. Suseela and others .vs. University Grants Commission and others reported in (2015) 8 Supreme Court Cases 129** categorically held that "all candidates having M.Phil degree on or before 10.7.2009 and all persons who obtained the PH.D degree on or before 31.12.2009 and had registered themselves for the PH.D before that date, but are awarded such degree subsequently shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor."

5. Relying on the above observations made by the Honourable Supreme Court of India, the learned counsel for the Writ Petitioner states that the case of the Writ Petitioner ought to have been considered for grant of approval. Further, the learned <https://hcservices.ecourts.gov.in/hcservices/> counsel also states that in all other respects, the Petitioner is fully qualified to hold the post of Assistant Professor in



Chemistry Department.

6. In view of the submissions made, this Court is of an opinion that in respect of the verification of the minimum educational qualifications with reference to the University Grants Commission regulations, it is for the competent authorities to consider and take a decision. The qualifications and other criterias fixed by the University Grants Commission regulations are to be scrupulously followed and while considering the proposals for grant of approval, the competent authorities are bound to verify all the Rules and Regulations prescribed in this regard.

7. In this view of the matter, it would be suffice, if a direction is issued to consider the proposals submitted by the College Management in respect of the proposal submitted for grant of approval of appointment of the Petitioner. Accordingly, the fourth respondent-Management is directed to send proposals in the prescribed format by following the UGC regulations within a period of three weeks from the date of receipt of a copy of this order. On receipt of such proposal, the respondents 1 to 3 are directed to consider the proposal submitted by the fourth respondent and pass orders on merits and in accordance with law within a period of 12 weeks thereafter.

8. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

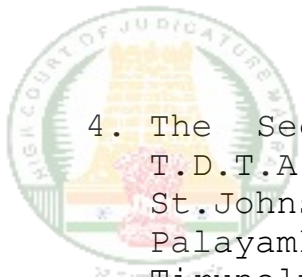
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.
2. The Director of Collegiate Education,
College Road,
Chennai- 600 006.
3. The Joint Director of Collegiate Education,
Tirunelveli,



4. The Secretary,
T.D.T.A Church of South India,
St.Johns College,
Palayamkottai,
Tirunelveli District.

WEB COPY

+ 1 cc TO M/S.Ajmal Associates , Advocate in SR No. 54484
+ 1 cc TO M/s.Joseph Thatheus Jerome, Advocate in SR No. 54301
+ 1 cc TO Mr.P.Sivachandran , Advocate in SR No. 54303
+ 1 cc TO The Special Government Pleader in SR No. 54562

vsn

AE/KK/SAR1/27.03.2018/4P/9C

**W.P. (MD) No.11000 of 2013
and
M.P (MD) No.1 of 2013
09.03.2018**