

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.10.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.14278 of 2010 and
M.P.No.1 of 2010

M. Balamurugan

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Teacher Recruitment Board,
DPI Complex, College Road,
Chennai - 600 006.

2.The Selection Committee,
Tamil Nadu Teacher Recruitment Board,
DPI Complex, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to treat the PG qualification of the petitioner i.e. M.Sc., Integrated Biology is equivalent to M.Sc., Zoology/Botany/Bio-Technology/Bio-Chemistry in pursuance of Appendix-B, Clause 3 of the curriculam issued by the Madurai Kamaraj University and consequently to direct the respondents to appoint the petitioner as Assistant Professor in Zoology in pursuance of the prospectus issued by the 1st respondent for the academic year 2009-2010 or any other subsequent academic year.

For Petitioner : Mr.R.Venkata Varathan

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition has been filed by the writ petitioner, seeking for the issuance of Writ of Mandamus to direct the respondents to treat the PG qualification of the petitioner i.e. M.Sc., Integrated Biology is equivalent to M.Sc., Zoology/Botany/Bio-Technology/Bio-Chemistry in pursuance of Appendix-B, Clause 3 of the curriculam issued by the Madurai

Kamaraj University and consequently to direct the respondents to appoint the petitioner as Assistant Professor in Zoology in pursuance of the prospectus issued by the 1st respondent for the academic year 2009-2010 or any other subsequent academic year.

2. The writ petitioner is qualified to be appointed for the post of Assistant Professor in Tamil Nadu Collegiate Educational service. Pursuant to the notification issued by the first respondent, the petitioner had applied for the aforesaid post, based on his educational qualification M.Sc., Integrated Biology. The petitioner attended for the certificate verification held on 05.03.2009 and he was not selected. Thereafter, the first respondent has again called for the notification with regard to the Assistant Professor in Tamil Nadu Collegiate Educational Service for appointment in Government Arts and Science College. As per the prospectus issued by the 1st respondent/Chairman, the qualification required for the post of Assistant Professor passed in UGC/CSIR/JRF/NET/SLET/SLST or an accredited Test equivalent to UGC Norms in the relevant subject (or) pass in Post Graduate Degree in the relevant subject with a minimum of 55% marks and Ph.D., in the relevant subject.

3. The petitioner has applied to the 1st respondent for the post of Assistant Professor in Zoology subject, in pursuance of the notification issued by the first respondent. The writ petitioner is eligible to be appointed an Assistant Professor in Zoology subject, since he possesses qualification in M.Sc., Integrated Biology, M.Phil., and Ph.D., in Zoology subject. But the petitioner was shocked to know that the M.Sc., Integrated Biology is not equivalent to the M.Sc., Zoology. Therefore, the writ petitioner has come forward with the present writ petition before this Court.

4. The learned counsel for the petitioner would submit that the petitioner will not insist upon insofar as the second limb of the prayer in the writ petition viz., for appointment of the petitioner to the post of Assistant Professor in Zoology in pursuance of the Prospectus issued by the first respondent for the academic year 2009-2010 or any other subsequent academic year.

5. Insofar as the first limb of the prayer is concerned, the Government has not taken any decision for issuing the equivalency of the subject Integrated Biology's equivalent to the M.Sc., Zoology. Therefore, the writ petitioner prays for consideration of the same by the Government to pass appropriate orders for issuing the equivalence of the aforesaid, subject by appointing an expert committee.

6. The learned Government Advocate appearing for the respondents would submit that, on instructions, that the Government has not so far passed an order that M.Sc., Integrated Biology is equivalent to the M.Sc., Zoology. If the petitioner makes a representation in that regard, the same will be considered by the respondents in accordance with law.

7. Considering the facts and circumstances of the case, this Court passes the following order:

(i) The writ petitioner is directed to submit an application/representation to the first respondent/TRB seeking to consider his request for treating the subject M.Sc., Integrated Biology equivalent to that of M.Sc., Zoology, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On such application/representation being received by the first respondent/TRB, the same shall be forwarded to the Government, Higher Education Department, Secretariat, Chennai, within a period of four weeks from the date of receipt of the application/representation. The Government shall examine the said application/representation and pass appropriate orders as expeditiously as possible.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

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सत्यमेव जयते
Sub Assistant Registrar

To

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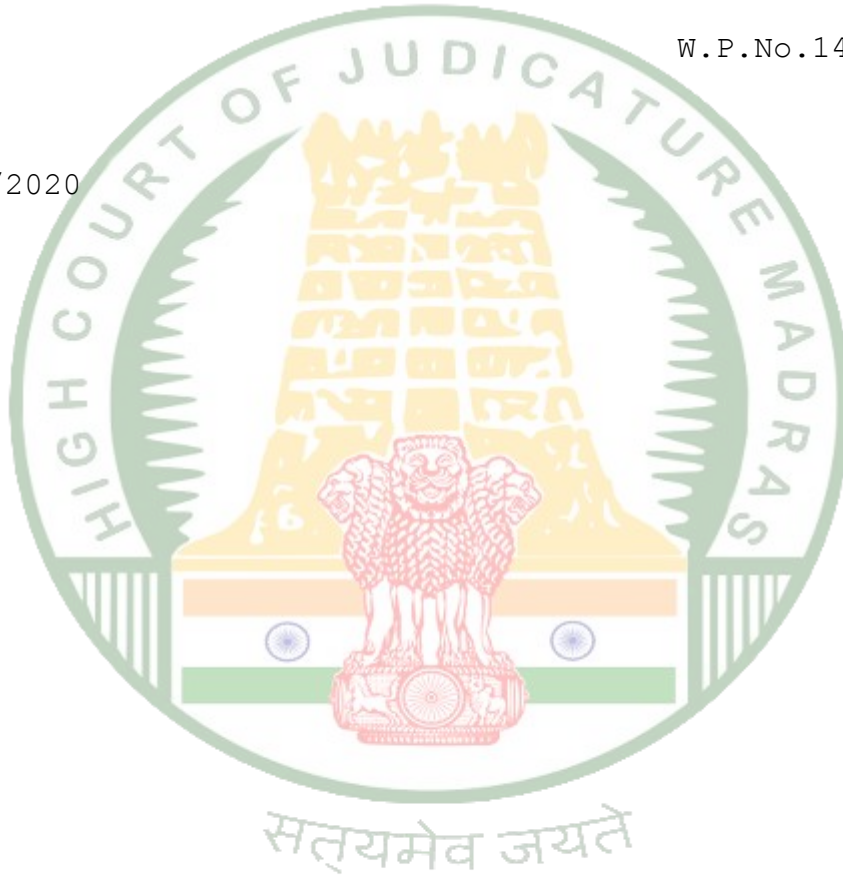
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+1cc to the Government Pleader Sr.87757
+1cc to M/s.C.Uma, Advocate Sr.87521

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