

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.14350 of 2010
and M.P.No.1 & 2 of 2010

1 K.KARUNAMOORTHY
S/O.A.KALIYAPERUMAL,
22/42, 4TH STREET, MULLAI NAGAR,
VIRUDHACHALAM-606 001. PETITIONER

Vs.

1 TEACHERS RECRUITMENT BOARD
REP. BY ITS CHAIRMAN, COLLEGE ROAD,
CHENNAI- 6.
2 THE SECRETARY TO GOVT.,
DEPARTMENT OF HIGHER EDUCATION,
GOVT OF TAMILNADU,
SECRETARIAT, CHENNAI. RESPONDENTS

(Second respondent impleaded vide order, dated 23/8/2010 in
M.P.No.3 of 2010)

Prayer:- The Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a Writ of Mandamus, directing
the respondent to consider the petitioner as eligible candidate
to take part in the direct recruitment of Assistant Professors
(Zoology) for 2009-10 in the Government Arts and Science
Colleges under Tamil Nadu Collegiate Education Service.

For Petitioner : Mr.R.Thiagarajan
For Respondents : Mr.K.Karthikeyan,
Government Advocate

WEB COPY
O R D E R

According to the writ petitioner, the petitioner has
completed B.Sc. (Zoology) and also passed M.Sc. (Medical
Entomology) and thereafter, acquired M.Phil degree in Zoology.
The petitioner also acquired NET (Life Science) conducted by the

CSIR - UGC and presently pursuing Ph.D. Zoology. The first respondent Board invited applications from eligible candidates through advertisement for the post of Assistant Professor in Zoology. The petitioner also applied for the said post. After scrutiny of the applications, the petitioner was invited for Phase II certificate verification and he appeared before the authorities and produced all the original certificates. The respondent board orally informed the petitioner that the petitioner is not eligible for the post of Assistant Professor (Zoology) and the original certificates are returned to the petitioner. According to the petitioner, M.Sc. (Medical Entomology) and M.Sc. (Zoology) Courses are broadly identical and equivalent Courses. The Expert Committee of the respondent Board also cleared the petitioner's application. The respondent Board has no authority to reject the application of the petitioner. The petitioner was prevented from appearing for the interview. Therefore, the petitioner has filed the instant writ petition for the aforesaid prayer.

2. On instructions, the learned Government Advocate submitted before this court that the qualification for appointment to the post of Assistant Professor in Zoology subject was notified by the Tamilnadu Higher Education department and the prescribed qualification and other requirement to the post of Assistant Professor. The qualification prescribed in the notification by the Board is as follows:

For candidates other than SC/ST:

'A pass in Post Graduate degree in the relevant subjects with a minimum of 55% of marks and a pass in UGC / CSFR / HRF/ NET/ SLET / SLST on an accredited test equivalent to UGC norms in the relevant subject or pass in PG Degree in the relevant subject with 55% marks and Ph.D in the relevant subject.

For SC/ST candidates:

'A pass in Post Graduate degree in the relevant subject with 55% marks and a pass in UGC / CSFR / HRF/ NET/ SLET / SLST on an accredited test equivalent to UGC norms in the relevant subject or pass in PG Degree in the relevant subject with 55% marks and Ph.D in the relevant subject.

The petitioner undergone P.G. degree in M.Sc.(Medical Entomology) which is not equivalent to P.G. Degree in M.Sc. (Zoology). The petitioner was not possessed requisite and required qualification prescribed in the notification by the Teachers Recruitment Board. Therefore, the petitioner's application has been rightly rejected by the respondent Board.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. Admittedly, the Government has not passed any order stating that the M.Sc. (Medical Entomology) is equivalent to P.G. Degree in Zoology and the same was not refuted by the writ petitioner by producing Government order. The stand taken by the respondent Board is that Government is the competent authority for passing the order of equivalency subjects. Therefore, there is no force in the contention of the writ petitioner and consequently, the writ petition is liable to be dismissed.

5. In fine, the writ petition stands dismissed. No costs. However, it is open to the petitioner to make fresh representation to the respondent to consider M.Sc.(Entomology) is equivalent to P.G. Degree in Zoology. If any such representation is received from the petitioner, the respondent board shall forward the same to the Government for passing appropriate orders after getting consent from the equivalent Committee. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vaan

To

1 THE CHAIRMAN,
TEACHERS RECRUITMENT BOARD
COLLEGE ROAD, CHENNAI- 6.

2 THE SECRETARY TO GOVT.,
DEPARTMENT OF HIGHER EDUCATION,
GOVT OF TAMILNADU,
SECRETARIAT, CHENNAI.

+1cc to Government Pleader SR.NO. 93372

pa(co)
nr 02/01/2020

3/6