

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4196 of 2011
and WMP.Nos.1 & 2 of 2011

Dr.K.Veerakumar

.. Petitioner

vs.

1.State of Tamil Nadu
rep.by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
Chennai-6.

3.The Director of Collegiate Education,
Chennai-6.

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the prospectus issued by the 2nd respondent in respect of recruitment of Assistant Professors in Tamil Nadu, Collegiate Educational Service for Government Arts and Science Colleges, 2010 and quash the same insofar as the word " relevant subject" i.e.Ph.D.is concerned, declaring that it is against the norms prescribed by the University Grants Commission and direct the respondents to select the petitioner as Assistant Professor in Commerce.

For Petitioner : No Appearance

For R1 and R3 : Mr.A.Raja Perumal
Addl.Govt.Pleader.

For R2 : Mr.C.Munusamy
Spl.Govt.Pleader.

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O R D E R

This writ petition has filed by the petitioner praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the prospectus issued by the 2nd respondent in respect of recruitment of Assistant Professors in Tamil Nadu, Collegiate Educational Service for Government Arts and Science Colleges, 2010 and quash the same insofar as the word "relevant subject" i.e. Ph.D. is concerned, declaring that it is against the norms prescribed by the University Grants Commission and direct the respondents to select the petitioner as Assistant Professor in Commerce.

2. According to the learned counsel for the petitioner, the second respondent called for applications to fill up the post of Assistant Professor in different fields of the subjects. The second respondent notified 1145 posts in Commerce subject in the year 2010. The petitioner applied for the post of Assistant Professor in Commerce subject. The second respondent vide communication dated 25.05.2010 directed the petitioner to appear before the Board on 09.06.2010 for certificate verification. The provisional list has been published the eligible candidates to attend the interview. But the petitioner's name did not include the list.

3. It is further submitted that the petitioner had obtained M.Com., degree in Commerce and Ph.D in Bank Management. The petitioner's qualification of Ph.D. along with P.G.Degree as alternative qualification for the Ph.D. Commerce. When the second respondent called for interview in respect of the candidates who have got M.Com and Ph.D. for the post of Assistant Professor in Commerce, the denial of the same benefit to the petitioner is illegal without any notice. Hence, the petitioner has filed the present writ petition before this Court challenging the prospectus issued by the second respondent.

4. The counter affidavit filed by the second respondent stating that the Government of Tamil Nadu vide G.O.Ms.No.419 Higher Education (G1) Department dated 21.12.2009 and in Govt.Letter No.23846/F2/2009-1 Higher Education Department dated 04.01.2010 had permitted the Teachers Recruitment Board to recruit the Assistant Professors in Tamil Nadu Collegiate Educational Service for appointment in Government Arts and Science Colleges. Notification were issued by calling upon from eligible candidates. The Board has notified that 114 vacancies in the Commerce subject. The said notification and prospectus, the qualification has been prescribed for the post of Assistant Professor is as follows:

All candidates other than SC/ST pass in Post Graduate Degree in the relevant subject with a minimum of 55% marks and a pass in the 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.

5. The petitioner called for verification on 09.06.2010 during the verification, the petitioner had obtained the following qualifications:

1. B.B.A., 4/1987 - Madurai Kamaraj University
2. M.Com., 4/1989
3. M.Phil., (Bank Management) - 6/90 Alagappa University
4. Ph.D., (Bank Management) - 12/2008

6. As per the notification and prospectus, the petitioner has not obtained the Ph.D., in Commerce only possessed Ph.D (Bank Management). Therefore, the petitioner is in eligible for the post of Assistant Professor in Commerce.

7. It is also in the counter affidavit explained that the other selected candidates viz., P.Raja, V.Padmanaban and S.Maheskumar as Assistant Professors (Commerce) have been selected, P.Raja has acquired Corporate Secretaryship in the Post Graduate level and M.Phil Level and obtained Ph.D. In Commerce and the other candidate V.Padmanabhan has acquired Commerce in the PG level, Corporate Secretaryship in M.Phil and Ph.D., in Commerce. He further submitted that till the year 2010 recruitment there was no parity among Commerce and Corporate Secretaryship subjects. Both were treated as equivalent subjects. Therefore, the qualification obtained in Commerce and Corporate Secretaryship subjects were treated on par for the post of Assistant Professor (Commerce). By an order dated 10.06.2014 in W.P.No.224015 of 2008 filed by one Senthilnathan and W.P.No.23574 of 2008 filed by one of Ramakrishnan and others. Pursuant to the said order, the Corporate Secretaryship has not been considered for the selection of Commerce subject vacancies and their selection is considered as separate entity.

8. By considering the said contention of the learned counsel for the respondent, the petitioner was not selected for the post of Assistant Professor (Commerce) has not acquired the qualification of Ph.d Commerce under the prospects.

Therefore, the post of Assistant Professor Commerce subject is the relevant subject for the appointment to the post of Assistant Professor Commerce subject. The petitioner has not placed any other material before this Court that the Ph.D., in bank Management is the equivalent to Ph.D., Commerce. Unless the said equivalencing of the subject as the eligibility of the equivalencing considered by the Government. Hence, there is no error or illegality in the selection made by the respondent board.

In view of the above, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kkd
To

- 1.The Secretary to Government,
Higher Education Department,
Secretariat, Chennai-9.
 - 2.The Chairman,
Teachers Recruitment Board,
Chennai-6.
 - 3.The Director of Collegiate Education,
Chennai-6.
- +1 cc to The Government Pleader, Sr.No.3681

सत्यमेव जयते

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CP(CO)
CSL/03.04.2019

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