

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. No.24781 of 2014

and

M.P. No.1 of 2014

Dr.N.Srividhya

... Petitioner

Vs.

1.The Secretary to the Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director, Personnel,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's experience gained with the Institute of Chartered Financial Analysts of India University from 2006 to 2011 as proper and eligible for the purposes of awarding marks for experience under the Direct Recruitment of Assistant Professors in Government Arts and Science Colleges 2012.

For Petitioner : Mr.C.P.Hem Kumar
for M/s.Ganesh and Ganesh

For R1 : Mr.V.Kathirvelu
Special Government Pleader

For R2 & R3 : Mr.C.Munusamy
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 2 and 3 to consider the petitioner's experience gained with the Institute of Chartered Financial Analysts of India, National College at Salem, from 2006 to 2011, as proper and eligible for the purpose of awarding marks for Experience, under the Direct Recruitment of Assistant Professors in Government Arts and Science Colleges for the year 2012.

2.Dr.N.Srividhya, the petitioner herein, submitted an application under Direct Recruitment of Assistant Professors in Government Arts and Science Colleges for the year 2012 to the Chairman, Teachers Recruitment Board, Chennai, the 2nd respondent herein, who had rightly invited her to appear for Certificate Verification on 28.11.2013 and accordingly, the petitioner also appeared before the 2nd respondent for Certificate Verification. Her application number was 1629032. After verification of certificates, the rank allotted to the petitioner was 811.

3.Learned counsel appearing for the petitioner would submit that the petitioner was employed as a faculty member with the Institute of Chartered Financial Analysts of India, National College at Salem, from 11th December, 2004 to 31st January, 2011. However, while awarding four (4) marks for her Teaching Experience, against the maximum marks of 15, the 2nd respondent had not considered her experience obtained as a faculty member in the Institute of Chartered Financial Analysts of India, National College at Salem. Although the 2nd respondent has awarded 4 marks for her Teaching Experience and 9 marks for her educational qualification, viz., Ph.D. Category, they should have also awarded sufficient marks for her experience obtained from the Institute of Chartered Financial Analysts of India, National College at Salem, as a faculty member. But, the 2nd respondent has blindly denied awarding of any marks to her experience obtained from the said Institute. Had the respondent awarded sufficient marks, the petitioner would have been selected and consequently, appointed as one of the faculty members. As the non-awarding of marks to her experience obtained from the said Institute has led to her non-selection, she is put to great prejudice and therefore, she has been advised to file this writ petition for issuance of a writ of mandamus, directing the respondents to award sufficient marks for her experience. While concluding his arguments, the learned counsel submitted that the Institute of Chartered Financial Analysts of India, National College at Salem, is an Institute

approved by the University Grants Commission and hence, it is not open to the respondents to outrightly reject the certificate produced by the petitioner for awarding marks for her experience gained from the said Institute.

4.A detailed counter affidavit has been filed by the 2nd respondent. Learned Special Government Pleader, appearing for the respondents 2 and 3 submitted that the petitioner is not entitled to get any mark for the so called experience, allegedly obtained by the petitioner from the Institute of Chartered Financial Analysts of India, National College at Salem, from 11th December, 2004 till 31st January, 2011, the reason being that, the petitioner has not even mentioned the experience said to have been obtained by her from the said Institute. In support of the above submission, the learned Special Government Pleader referred to the Teaching Experience Certificate dated 13.07.2013, enclosed at Pg.No.43 of the Typed Set of Papers filed by the petitioner along with this writ petition.

5.Heard the learned counsel on either side and perused the materials on record.

6.A perusal of the Teaching Experience Certificate dated 13.07.2013 shows that the petitioner has not even produced the Experience Certificate obtained from the Institute of Chartered Financial Analysts of India, National College at Salem, at the time of Certificate Verification. When the Teaching Experience Certificate clearly shows that the petitioner has got only one experience, i.e. from 27.09.2011 till 13.07.2013, it is not known as to why the petitioner has not even mentioned the experience allegedly obtained by her from the Institute of Chartered Financial Analysts of India, National College at Salem. Moreover, it is submitted that, interview was held in the year 2013 and the writ petitioner has already been selected as a faculty member. Therefore, the prayer sought for in this writ petition has also become infructuous.

7.In view of the above, this writ petition fails and stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

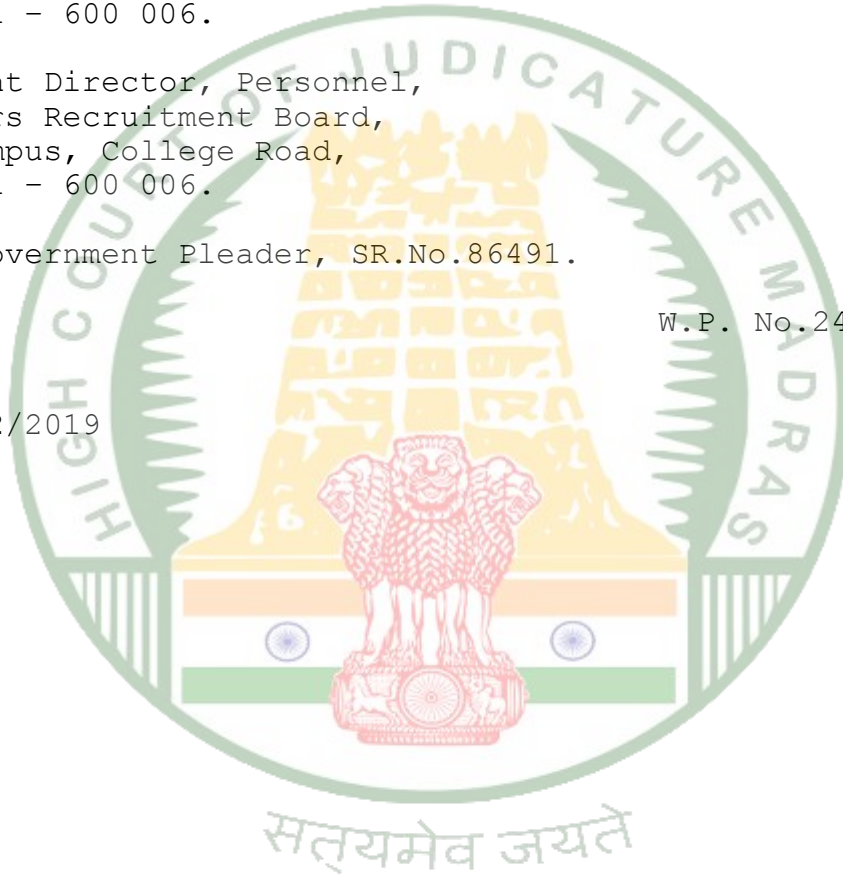
2.The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director, Personnel,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.

+1CC to government Pleader, SR.No.86491.

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EV(CO)
CSR: 17/12/2019



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