

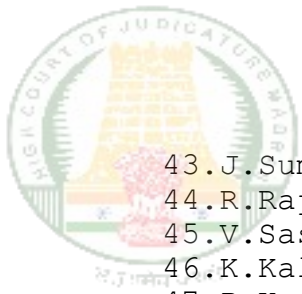


IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.11.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.29004 of 2019

WEB COPY and W.M.P.Nos.28775, 28779, 28783 and 28784 of 2019

- 1.G.Rajam
- 2.C.Durai
- 3.M.Shanthi
- 4.Logapadmapriya
- 5.S.Vasanthapriya
- 6.Mohanambal
- 7.S.Benazir Hazira
- 8.P.Gomathi
- 9.K.Vaijeyanthi
- 10.P.Kanagavalli
- 11.S.Valarmathi
- 12.M.Ananthi
- 13.S.Suthanthira Vanitha
- 14.M.Petchiammal
- 15.K.Sudha
- 16.S.Kavitha
- 17.D.Jancy Rani
- 18.R.Chitra Lekha
- 19.R.Uma Mageshwari
- 20.N.Nasrin Farsana
- 21.R.Pathampriyal
- 22.M.Krishnaveni
- 23.M.A.Poornima Priya Dharshini
- 24.R.Vasugi
- 25.N.Imthiyas Ahamed
- 26.D.Lakshmi Narasimhan
- 27.G.Vijayalakshmi
- 28.M.Muruganandham
- 29.S.Arul Prasad
- 30.J.Janakiraman
- 31.G.Kavitha
- 32.S.Devi
- 33.Arokyavathana
- 34.T.Bhuvaneswari
- 35.A.Mangayarkarasi
- 36.M.Malathi
- 37.R.Jeyabharathi
- 38.M.Vijayalakshmi
- 39.K.Pavaimalar
- 40.K.Ashok
- 41.N.Ramani
- 42.A.Samiyappan



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43.J.Sumathi
44.R.Rajapriya
45.V.Sasikala
46.K.Kalpna
47.P.Kantharuby
48.A.S.Pachiyappan
49.R.Sasikala
50.S.Devi
51.N.Kalaiselvi
52.S.Thangamani
53.C.Pushpavalli
54.R.Lalitha
55.M.Lavanya
56.G.Murugan
57.I.Manimaran
58.C.Surulivel
59.N.Ayyappan
60.C.Rajini
61.S.C.Balaji
62.T.Anandaprakash
63.A.Venkatesan
64.R.Mohan
65.B.Elanchezhian
66.R.Anitha
67.V.Subha
68.R.Sasikala
69.M.Manimegalai
70.R.Ragavendiran

..Petitioners

vs

1.The Principal Secretary
to Government of Tamil Nadu
Higher Education Department
St. George Fort
Secretariat, Chennai.

2.The Chairman
Teachers Recruitment Board
Higher Education Department
St. George Fort
Secretariat, Chennai.

3.The University Grants Commission
Bahadur Shah Zafar Marg
New Delhi-110 002.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified



Mandamus calling for the records pertaining to Notification No.12/2019 dated 28.08.2019 issued by the 2nd respondent, quash the same in respect of Serial No.6(b)(i) & (vi) of the Notification and further to direct the 2nd respondent to incorporate "A Pass in M.Phil.", before 11.07.2009 as an eligible Educational Qualification for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges and Colleges of Education, in the light of the order passed in W.A.No.1406/2016 dated 03.01.2018 of Hon'ble Madras High Court and further award marks for M.Phil., Degree in recruitment.

For Petitioners : Mr.T.S.Mohamed Mohideen

For R1 : Mr.Vijay Narayan Advocate General
assisted by Mr.V.Kadhirvelu, Spl.G.P.

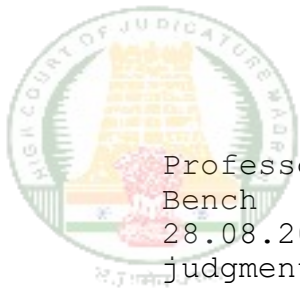
For R2 : Mr.S.T.S.Moorthi Addl. Adv. General (IV)
assisted by Mr.C.Munusamy, Spl.G.P.

O R D E R

Writ Petition is filed for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to Notification No.12/2019 dated 28.08.2019 issued by the 2nd respondent, quash the same in respect of Serial No.6(b)(i) & (vi) of the Notification and further to direct the 2nd respondent to incorporate "A Pass in M.Phil.", before 11.07.2009 as an eligible Educational Qualification for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges and Colleges of Education, in the light of the order passed in W.A.No.1406/2016 dated 03.01.2018 of Hon'ble Madras High Court and further award marks for M.Phil., Degree in recruitment.

2. Heard the learned counsel appearing for the petitioners as well as the learned Advocate General appearing for the 1st respondent and the learned Additional Advocate General appearing for the 2nd respondent.

3. Learned counsel appearing for the petitioners submitted that the petitioners completed M.Phil., degree in the year 2009 and participated in the selection process for the post of Assistant Professor. However, their applications were not entertained on the ground that the petitioners have not possessed NET/SLET qualifications. He further submitted that the candidates, who have registered for M.Phil., and Ph.D., prior to July 11, 2009 shall be exempted from the requirement of minimum eligibility condition of NET/SLET for appointment of Assistant



Professor, in the light of the judgment passed by the Division Bench of this Court. But the impugned Notification dated 28.08.2019, now issued by the 2nd respondent is against the said judgment and hence, prayed for allowing this petition.

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4. The eligibility criteria fixed in the UGC Notification for the post of Assistant Professor is extracted hereunder:

"I. Assistant Professor:

Eligibility (A or B):

A. (i) A Master's degree with 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed) in a concerned/relevant/allied subject from an Indian University, or an equivalent degree from an accredited foreign university.

(ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC or the CSIR, or a similar test accredited by the UGC, like SLET/SET or who are or have been awarded a Ph.D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degree) Regulations, 2009 or 2016 and their amendments from time to time as the case may be exempted from NET/SLET/SET:

Provided the candidates registered for the Ph.D. Programme prior to July 11, 2009, shall be governed by the provisions of the then existing ordinances/bye-laws/Regulations of the Institution awarding the degree and such Ph.D. candidates shall be exempted from the requirement of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities / Colleges / Institution subject to the fulfilment of the following conditions:

- a) The Ph.D. degree of the candidate has been awarded in a regular mode;
- b) The Ph.D. thesis has been evaluated by at least two external examiners;
- c) An open Ph.D. viva voce of the candidate has been conducted;
- d) The candidate has published two research papers from his/her Ph.D. work, out of which at least one is in a referred journal;



e) The candidate has presented at least two papers based on his/her Ph.D. work in conferences/seminars sponsored/funded/supported by the UGC/ICSSR/CSIR or any similar agency."

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5.Learned Advocate General as well as the learned Additional Advocate General appearing for the respondents submitted that as per the present University Grants Commission norms, a person, who completed Ph.D. alone is entitled to exemption for passing NET/SLET examination. Therefore, a person having completed M.Phil., qualification alone cannot claim exemption from acquiring NET/SLET examination. The petitioners have not satisfied the said condition and hence, nothing wrong in rejecting their applications and prayed for dismissal of this petition.

6.Considering the facts and circumstances of the case along with the submissions made on either side, the petitioners are not entitled to participate in the selection process for the post of Assistant Professor. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

Kj

To

1.The Principal Secretary
to Government of Tamil Nadu
Higher Education Department
St. George Fort
Secretariat, Chennai.

2.The Chairman
Teachers Recruitment Board
Higher Education Department
St. George Fort
Secretariat, Chennai.



3.The University Grants Commission
Bahadur Shah Zafar Marg
New Delhi-110 002.

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+1cc to Mr..S.Mohammed, Advocate, SR.No.93861.

W.P.No.29004 of 2019

MP (CO)
CSR (09/12/2019)