

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29345 of 2019
and
W.M.P.No.29152 of 2019

Dr.P.Chithra Lekha

...Petitioner

vs

1.State of Tamil Nadu,
rep by the Principal Secretary,
to Government of Tamil Nadu,
Higher Education Department,
Chief Secretariat,
Fort St. George,
Chennai-600 009.

2.The Director of Collegiate Education,
Department of Higher Education,
EVK Sampath Maaligai,
DPI Campus,
College Road,
Chennai-600 006.

3.The Chairman,
Teachers Recruitment Board (TRB),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to pass orders, directions, writs in particular a Writ of Mandamus, directing the respondents to issue a corrigendum forthwith to the notification No.12/2019 dated 28.08.2019 and 04.10.2019 issued by the third respondent in Tamil Nadu Collegiate Educational Service for the post of Assistant Professors for Government Arts & Science Colleges and Colleges of Education for the year 2018-19, by awarding weightage mark of 15 marks to post-doctoral research experience as similar to teaching experience.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents: Mr.V.Kadirvelu
Special Government Pleader

O R D E R

The case of the prosecution is that the petitioner is a Ph.D holder in Physics with vast experience mainly in the research filed. She has completed various research oriented positions in reputed institutions like IIT-Madras, Anna University etc. Even though she has some teaching experience, her major part of post-doctoral experience is in the contemporary & developing research fields. If both the experiences are considered for the selection, definitely she will be selected for the interview. Since, the impugned notification allotted weightage mark for teaching experience alone, her right for getting appointment to the post has been curtailed. The petitioner sent a representation dated 29.08.2019 to the respondents, but, they have not responded positively. The decision of allotting weightage mark to the teaching experience alone, neglecting the weightage mark to the post doctoral research experience, when the Central Universities and IITs are considering the same for selection is not fair and justifiable. Hence, the present writ petition is filed.

2. Mr.A.Suresh Sakthi Murugan, learned counsel for the petitioner submitted that weightage should be given to both teaching experience and post doctoral research experience, thereby enabling the petitioner to participate in the interview. He therefore, prayed for allowing this writ petition.

3 .Mr.V.Kadirvelu, learned Special Government Pleader appearing for the respondents would submit that the Government have followed the procedure of awarding weightage marks for research contribution/books/Articles published in the recruitment of Assistant Professors of Arts and Science Colleges, till 2008. The period of experience in Post Doctoral should be treated as Teaching Experience for the purpose of Awarding weightage marks during the Direct Recruitment of Assistant Professors in Government Arts and Science Colleges of Education 2018-19. It is clearly mentioned in G.O.(Ms.)No412, Higher Education (F2) Department, dated 07.12.2009, that the teaching experience in Universities and Colleges alone will be considered for the weightage of marks. Therefore, the petitioner's contention that the teaching assignment during the period of her Post Doctoral Fellowship has to be considered and reckoned as Teaching Experience is not legally valid.

4. Heard both sides and perused the documents placed on record.

5. It is seen that in G.O.(Ms.)No412, Higher Education (F2) Department, dated 07.12.2009, clearly stated that the teaching experience in Universities and Colleges alone will be considered for the weightage of marks. Therefore, the petitioner's contention that the teaching assignment during the period of her Post Doctoral Fellowship has to be considered and reckoned as Teaching Experience is not legally valid.

6. Considering the facts and circumstance of this case, this Court cannot pass orders favouring single candidate. Hence, the present Writ Petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

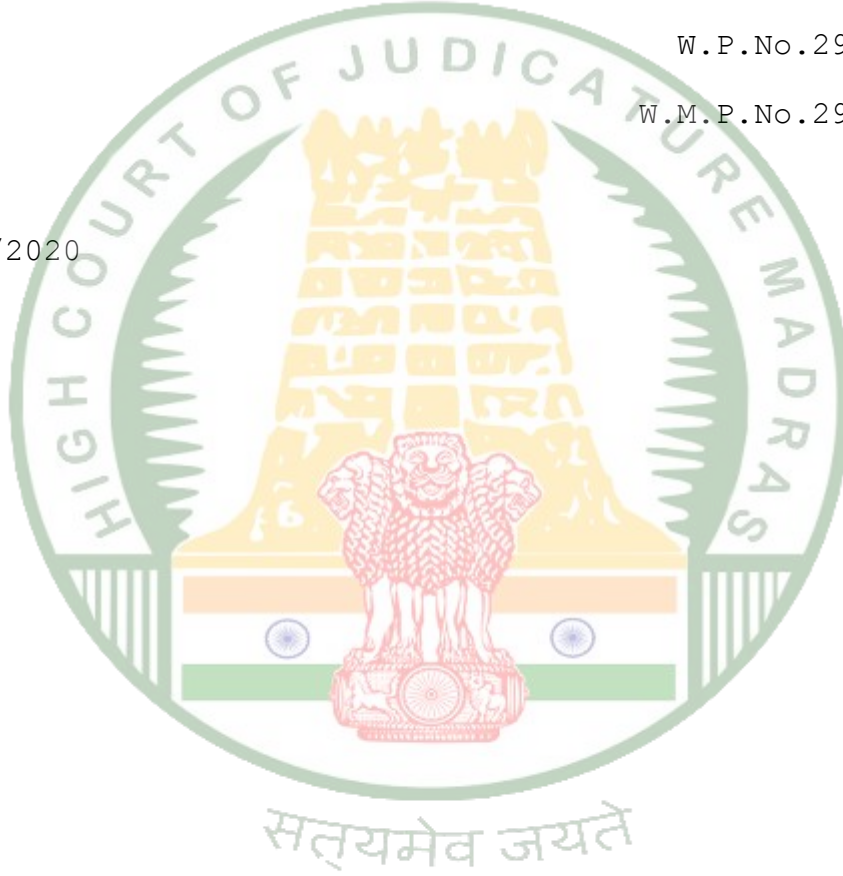
2. The Director of Collegiate Education,
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3.The Chairman,
Teachers Recruitment Board (TRB),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Chennai-600 006.

+1cc to M/s.Suresh Sakthi Murugan, Advocate Sr.98290
+1cc to the Government pleader Sr.99403

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srg 13/02/2020



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