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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.11.2019
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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30905 of 2019
&
W.M.P.Nos.30995 & 30996 of 2019

- 1.Dr.G.Sathishkannan
- 2.Dr.P.M.Ponnusamy
- 3.Dr.M.Manjunathan
- 4.Dr.S.Senthilkumar
- 5.Dr.K.Anandasabari
- 6.Dr.M.Jeevanandam
- 7.Dr.K.Saravanan
- 8.Dr.Yogaraj
- 9.Dr.A.Parthiban
- 10.R.L.Narendran

.. Petitioners

vs

1.The Secretary to Government
Higher Education Department
Fort St.George Chennai.

2.The Chairman
Teachers Recruitment Board
4th Floor, EVK Sambath Maligai
DPI Campus, College Road,
Chennai - 600006.

3.The Director
Directorate of College Educational
9th Floor, EVK Sambath Maligai,
DPI Campus, College Road,
Chennai - 600006.



4.The Chairman
University Grants Commission
Bhagadhur Sha Zafar Marg
New Delhi - 110002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned notification of the 2nd respondent herein dated 28.08.2019 and 4.10.2019 in notification number 12/2019 for direct recruitment for the post of Assistant Professors in Tamil Nadu Collegiate Educational service for Government Arts and Science College and Colleges of Education for the year 2018-2019, quash the same direct the Respondents 1 and 2 to issue fresh notification to implement the amended regulation dated 18.07.2018 of the 4th respondent with regard to scheme of selection and awarding marks for academic score to call for interview for the post of direct recruitment of Assistant Professor in Colleges.

For Petitioners : Mr.P.Pandiyaraj

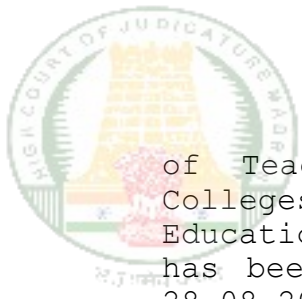
For Respondents 1 & 3 : Mr.Vijay Narayan
Advocate General
Assisted by Mr.V.Kadhirvelu
Special Government Pleader

For Respondent 2 : Mr.S.T.S.Moorthy
Additional Advocate General
Assisted by Mr.C.Munusamy
Special Government Pleader

O R D E R

The prayer sought for in this Writ Petition is to call for the records relating to impugned notification of the 2nd respondent herein dated 28.08.2019 and 4.10.2019 in notification number 12/2019 for direct recruitment for the post of Assistant Professors in Tamil Nadu Collegiate Educational service for Government Arts and Science College and Colleges of Education for the year 2018-2019, quash the same direct the Respondents 1 and 2 to issue fresh notification to implement the amended regulation dated 18.07.2018 of the 4th respondent with regard to scheme of selection and awarding marks for academic score to call for interview for the post of direct recruitment of Assistant Professor in Colleges.

2.The learned counsel for the petitioner would submit that the present Writ Petition has been filed challenging the notification on the ground that already the University Grants Commission amended notification dated 18.07.2018 for appointment



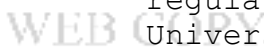
of Teachers and other academic Staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018. However, contrary to that, present notification has been issued. Hence, the 2nd respondent notification dated 28.08.2019 inviting application for direct recruitment from eligible candidates for the post of Assistant Professor is unsustainable one.

3. The learned counsel for the petitioner would further submit that the notification fixing criteria that experience certificate should be counter signed by the issuing Authority and the counter sign obtained after the date of notification alone will be accepted. However, in the instant case, four of the petitioners had worked in foreign Universities in different times and they had obtained experience certificates prior to the issuance of the notification and now they are not in a condition to obtain the counter sign in the experience certificate. Therefore, he would contend that the notification issued by the 2nd respondent is unsustainable one and to be quashed. Accordingly, he prayed this Court to allow this Writ Petition.

4. Mr.Vijay Narayan, learned Advocate General appearing for the respondents would submit that the UGC Regulations, 2010 are not applicable to the Universities, Colleges and other higher educational institutions coming under the purview of the State Legislature unless the State Government wish to adopt and implement the Scheme subject to the terms and conditions therein. In support of this contention he would draw the attention of this Court to the Judgment in Kalyani Mathivanan Vs. K.V.Jeyaraj and others etc batch reported in (2015) 6 SCC 363 wherein, the Hon'ble Apex Court has held as follows:

"We have noticed and held that the UGC Regulations, 2010 are not applicable to the Universities, Colleges and other higher educational institutions coming under the purview of the State Legislature unless State Government wish to adopt and implement the Scheme subject to the terms and conditions therein. In this connection, one may refer to paragraph 8(p)(v) of Appendix-I dated 31st December, 2008 and Regulation 7.4.0 of UGC Regulations, 2010."

5. With regard to the experience certificate, the learned Advocate General on instructions would submit that any experience certificate obtained in foreign Universities will be accepted and marks for other selection process will be awarded as per Clause 13 of the notification.



7. It is seen that with regard to the adoption of UGC regulations, the Hon'ble Supreme Court has clearly held that the Universities coming under the State Legislatures need not to follow the regulations of the UGC, unless they wish to adopt it. Hence, the grievance of the petitioner challenging the notification to adopt the UGC regulations is unsustainable one and devoid of merits.

9. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are also closed.

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+1cc to Mr.P.Pandiyaraj, Advocate, SR.No.94065.

W.P.No. 30905 of 2019 &
W.M.P.Nos.30995 & 30996 of 2019

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