

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 32223 of 2019

and

W.M.P. Nos. 32514 and 32515 of 2019

P.Suresh

.. Petitioner

vs

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

2. The Director of Collegiate Education,
The Directorate of Collegiate Education,
College Road, Chennai - 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to permit the petitioner to apply for the post of "Assistant Professor" as advertised in notification dated 04.10.2019 and further direct the first respondent to act compliance with the UGC Notifications dated 11.07.2009, 11.07.2016, 18.07.2018.

For Petitioner : Mr.L.Narasimha Varman

For Respondent 1 : Mrs. P.Kavitha
Government Advocate

For Respondent 2 : Mr. V.Kadirvelu
Special Government Pleader

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O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to permit the petitioner to apply for the post of "Assistant Professor" as advertised in notification dated 04.10.2019 and to act compliance with the UGC Notifications dated 11.07.2009, 11.07.2016, 18.07.2018.

2. According to the petitioner, the subject matter of challenge of the Writ Petition is purely based on the first respondent which is acting contrary to the notification dated 11.07.2009 in G.O. Ms.91 of 2009 wherein they have specifically permitted the M.Phil candidates to apply for the vacancies without imposition of any restriction on the mandate of NET/SET of any other eligibility criteria and thereby exempting the said M.Phil candidates for the mandatory requirement of NET/SET. The petitioner submits that that the M.Phil degree does not even find any place in the website while the petitioner was applying for the post of the said vacancy in the website of the first respondent.

3. According to the petitioner, the first respondent have published a notification dated 28.08.2019 inviting the prospective applicants to apply for a Direct Recruitment for the post of Assistant Professors in the colleges which falls under the second respondent Government Arts and Science College, wherein the last date of inviting the prospective applications was on 24.09.2019. Thereafter, on 04.10.2019, vide notification dated 12/19, the last date of submitting the application was further extended to 30.10.2019. While this being so, the petitioner was shocked to note that they were not able to apply for the post of the Assistant Professor in the colleges belonging to the respondent as the M.Phil degree does not even find a place in the website of the first respondent. According to the petitioner, the actions of the first respondent is not only against the constitution rights and liberty of guaranteeing the right to education, but the conduct of the first respondent is clearly violative of the University Grants Commissioner's own notification dated 14.06.2006 and also the subsequent notification dated 11.07.2009, 11.07.2016 and 18.07.2018, hence the present Writ Petition.

4. Learned counsel for the petitioner would submit that the petitioner is a qualified candidate to apply for the post of Assistant Professor pursuant to the notification issued by the first respondent dated 28.08.2019 since he was possessing M.Phil degree and as per UGC notification dated 11.07.2009, the M.Phil candidates were permitted to apply for the vacancies without imposing of any restriction on the mandate of NET/SET of any other eligibility criteria and thereby, the petitioner was exempted from the mandatory requirements of NET/SET. However, in the notification issued by the first respondent, it is surprise to note that the M.Phil degree does not even find a place in the notification which made the petitioner unable to apply for the post of Assistant Professor pursuant to the notification. Therefore, the learned counsel for the petitioner seeks direction to the respondent to permit the petitioner to apply for the said post without insisting SLET/NET/SET.

5. Learned counsel appearing for the respondents submits that admittedly, the petitioner was not possessing requisite qualification as prescribed in the notification for the post of Assistant Professor, therefore, the petitioner cannot stake his claim on par with the eligible candidates. Therefore, his claim cannot be entertained.

6. As rightly pointed out by the learned counsel for the respondents that the petitioner was not possessing requisite qualification as prescribed in the notification (i.e) P.G. Degree in the relevant subject of minimum of 55%, the petitioner is not entitled to apply for the post of Assistant Professor. Further, it is to be noted that the petitioner has not challenged the notification. The notification is common for all the candidates who are similarly placed as that of the petitioner.

7. This Court does not find any merit in the Writ Petition and accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

2. The Director of Collegiate Education,
The Directorate of Collegiate Education,
College Road, Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.95578
+1cc to the Government Pleader, S.R.No.95107

W.P.No. 32223 of 2019
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BL(CO)
KKV/11/06/2020