

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33439 of 2019

and

W.M.P.No.33903 of 2019

E.Malarkodi

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Higher Education Department
Secretariat, Fort St. George
Chennai-600 009.

2.The Director of Collegiate Education
DPI Campus, College road
Chennai-600 006.

3.The Chairman
Teachers Recruitment Board
4th floor, E.V.K.Sampath maalgai
DPI Campus, College road
Chennai-600 006.

... 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 the impugned Notification issued by the 3rd respondent in Notification No.12/2019, dated 28.08.2019 and 04.10.2019 and to quash the same insofar as clause 15 relates to yardstick for awarding marks for Teaching Experience and the relevant Annexure in Format-I/II/III-A (Annexure) Teaching Experience- consolidated is concerned and consequently directing the respondents to award marks for each year of Teaching Experience from the date of appointment of the petitioner in the respective post with requisite qualification prescribed by University Grants Commission Regulations for selection to the post of Assistant Professor.

For Petitioner : Mr.S.Mohanavadivelan

For Respondents : Mr.V.Kadhirvelu,

Spl.G.P. for R1 & 2

Mr.C.Munusamy,

Spl.G.P. (Edn) for R3

ORDER

The above writ petition is filed challenging to call for the records relating to the impugned Notification issued by the 3rd respondent in Notification No.12/2019, dated 28.08.2019 and 04.10.2019 and to quash the same insofar as clause 15 relates to yardstick for awarding marks for Teaching Experience and the relevant Annexure in Format-I/II/III-A (Annexure) Teaching Experience- consolidated is concerned and consequently directing the respondents to award marks for each year of Teaching Experience from the date of appointment of the petitioner in the respective post with requisite qualification prescribed by University Grants Commission Regulations for selection to the post of Assistant Professor.

2.The case of the petitioner is that the petitioner was given appointment to the Guest Lecturer post based on the eligibility with reference to educational qualification prescribed as per University Grants Commission (UGC) Regulations. The eligible qualification prescribed for calculating teaching experience remains that P.G. with 55% minimum marks with NET / SLET, Exemption for M.Phil., for taking U.G. classes and Ph.D for taking P.G. classes. The 3rd respondent TRB issued Notification No.12/2019 dated 04.10.2019 for direct recruitment to the post of Assistant Professor in Government Arts and Science College with date of commencement of application through online mode as 04.10.2019 and the last date for submission of application fixed as 30.10.2019, and it has been again extended till 15.11.2019 followed by Certificate Verification and Interview would be announced later. Hence the petitioner prays quashing of the impugned Notification issued by the 3rd respondent in Notification No.12/2019, dated 28.08.2019 and 04.10.2019.

3.The learned counsel appearing for the respondents 1 & 2 submitted in their counter that for the purpose of determination of teaching experience, this Court has already passed order dated 12.07.2013 in W.P.No.18186 of 2013. The said order is taken as letter and spirit of law, the order was implemented and the same shall be the yardstick for determination of teaching experience. The following are the qualifications for more than 25 years and the same shall be taken for awarding marks for the teaching experience.

S.No.	Date	Qualification prescribed by UGC for appointment of Lecturers in College/Universities
1.	Before 1991	PG with 50% minimum marks
2.	19.09.1991	PG with 55% minimum marks with Pass NET/SLET

3.	1993	PG with 55% minimum marks with Pass NET/SLET Exemption for those who completed M.Phil before 31.12.1993 (or) submitted Ph.D. dissertation before 31.12.1993
4.	31.07.2002	PG with 55% marks with NET/SLET. Exemption for Ph.D. dissertation submitted before 31.12.2002
5.	14.06.2006	PG with 55% minimum marks with NET/SLET. Exemption for M.Phil for taking UG class and Ph.D. for taking PG class
6.	30.06.2010	PG with 55% minimum marks with NET/SLET Exemption only for Ph.D. holders.

4.The learned counsel further submitted that this Court has also issued a direction to the Recruitment Board to clarify the candidates by way of notification in the newspapers that during relevant period, the qualification mentioned above at the relevant point of time can be considered for awarding marks for teaching experience. Immediately, thereafter, the Government issued letter No.12258A/F2/2013-3, dated 31.07.2013 regarding clarification on the implementation of the order of this Court dated 12.07.2013 made in W.P.No.18186 of 2013 and the same has been clarified. The said order has been complied with, since it is in conformity with the guidelines laid down by University Grants Commission for such recruitments of Assistant Professor post. A person to obtain a minimum qualification at the relevant point of time prescribed by UGC as mentioned above. The teaching experience shall appropriately be calculated to the above prescribed qualification.

5.The learned counsel appearing for the 3rd respondent stated in his counter that Yardstick for awarding marks for teaching experience is based on the judgment passed in W.P.No.18186 of 2013 dated 12.07.2013 that the teaching experience cannot be tested based on the requisite qualification by the UGC Regulations for the subsequent period.

6.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

7.The issue involved in the writ petition is whether the scheme of selection for awarding weightage marks for teaching experience, qualification and interview is valid or not?

8.This Court perused the Annexure to the Notification contains Format-I/II/III-A prescribing qualification for awarding weightage marks for teaching experience with reference to the relevant year. It is given in consolidated format. There are 29 columns and cumulative reading of the Format, Division

Bench judgment of this Court, qualifications prescribed in the Notification and clause 15 of the Notification, which relates to the teaching experience certificate and countersigning authority, makes it clear that a person who possess Post Graduate with 55 marks with NET/SLET/CISR after 19.09.1991 is eligible to participate in the selection process. Each compartment will give marks with experience gained by experienced teachers. This Court did not find any irregularity in the Format annexed along with the Notification. That format is in consonance with the qualifications prescribed in the Notification as well as order of this Court. Yardstick for awarding marks for teaching experience is based on the judgment passed in W.P.No.18186 of 2013 dated 12.07.2013 and the said order was implemented by the Government. Further, in respect of awarding weightage marks for teaching experience, qualification and interview, the yardsticks were upheld by the Hon'ble Apex Court in catena of decisions.

9.Thus, for the forgoing reasons, I do not find any merit in the writ petition and accordingly, the writ petition stands dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government, Higher Education Department, Secretariat, Fort St. George, Chennai-600 009.
- 2.The Director of Collegiate Education
DPI Campus, College road, Chennai-600 006.
- 3.The Chairman, Teachers Recruitment Board, 4th floor,
E.V.K.Sampath maalgai, DPI Campus, College road, Chennai-600 006.

+1 cc to M/s.S.Mohana Vadivelan, Advocate Sr.No.99796

+1 cc to The Government Pleader Sr.No.100743

AKM/27.01.2020/4P-6C /

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