

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2019

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.31106 of 2014 and

WMP No. 1 and 2 of 2014

A.B.Hajira Be,
No.36/10, G.S.T.Road,
Sengundarpet, Maduranthakam,
Kancheepuram District 603 303.

... Petitioner

Vs.

1. The Member Secretary,
Teacher Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-6.

2. The Chairman,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi 110 002.

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's application dated 17.09.2014 bearing Registration No.1634682, as an exempted candidate from the requirement of NET/SET as per UGC norms and consequently appoint the petitioner as Assistant Professor in Computer Science in any one of the Government Arts and Science Colleges.

For Petitioner : Mr.K.Rajasekaran

For Respondents: Ms.P.Kavitha, Gov. Advocate (for R1)

Mr.P.R.Gopinathan (for R2)

W E B C O P Y
O R D E R

This writ petition has been filed for direction to the first respondent to consider the petitioner's application dated 17.09.2014 bearing Registration No.1634682, as an exempted candidate from the requirement of NET/SET as per UGC norms and consequently appoint the petitioner as Assistant Professor in Computer Science in any one of the Government Arts and Science Colleges.

2. The writ petitioner is a degree holder of B.Sc., M.C.A., M.Phil and she appeared for the SET (State Eligibility Test) Qualification Exam conducted by the Bharathiyar University, Coimbatore in October 2012 and

obtained more than the minimum marks, as stipulated in the original notification. The further contention of the writ petitioner is that, later, it was declared that not only minimum marks as stipulated in the original notification should be obtained, but also a new aggregate that was stipulated later on should have also been obtained and therefore, she filed W.P.No.15513 of 2013 and the same was dismissed on 24.09.2013. In the meanwhile, she appeared for certificate verification before the Teacher Recruitment Board (TRB) on 04.12.2013 and the TRB published the marks scored by the candidates who attended the certificate verification and no marks were given to the petitioner in the list, stating that "with held" - "SLET - Court Case". Her further contention is that as per the order passed by a Division Bench of Madurai Branch, High Court in W.A.No.501/2013, the petitioner is deemed to have qualified in the SET exam conducted in October 2012.

3. The another contention of the writ petitioner is that her name was not considered for appointment to the post of "Assistant Professor" by the Teacher Recruitment Board on the ground that she was not qualified in National Eligibility Test (NET), as per the UGC Regulation 2010. According to the writ petitioner, as per the decision taken in the 471st meeting of UGC held on 12.08.2010, all the candidates having M.Phil degree on or before 10.07.2009, shall remain exempted from the requirement of NET and the above said decision was ratified and reconfirmed in the 472nd meeting of UGC held on 27.09.2010 and hence, she is a eligible person for appointment to the post of Assistant Professor. Therefore, she made a representation to the first respondent on 17.09.2014 and though it was received by the first respondent, no steps have been taken. Hence this writ petition.

4. The respondents have not chosen to file counter affidavit.

5. The writ petition is of the year 2014 and now it passed 5 years. Considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass the following order.

"The first respondent is directed to consider the petitioner's application dated 17.09.2014 and pass orders in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. "

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Member Secretary,
Teacher Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-6.

2. The Chairman,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi 110 002.

+1cc to Mr.P.R.Gopinathan , Advocate SR.No. 105900

+1cc to Mr.K.Rajasekaran , Advocate SR.No. 105389

+1 cc to Government Pleader Sr.No. 105813

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A.SK(10/02/2020)



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