



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.1062 of 2011

and

M.P. (MD)No.1 of 2013

WEB COPY

Dr.P.Kumaresan

... Petitioner

vs.

1.Teachers Recruitment Board
represented by its Chairman,
E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai -600 006.

2.State of Tamil Nadu
represented by Secretary,
Higher Education Department,
Fort St.George, Chennai.

3.Directorate of Collegiate Education,
College Road, Chennai.

4.S.Jeyabaskaran Charles

5.D.Anandkumar

6.Dr.Olivethambi

7.G.Somasundaram

8.Dr.S.Ruby Ebenezar

9.R.Dharani

10.S.Lakshmi

11.Dr.K.P.Sreekala

12.S.Thirunavukkarasu

13.R.Arthy

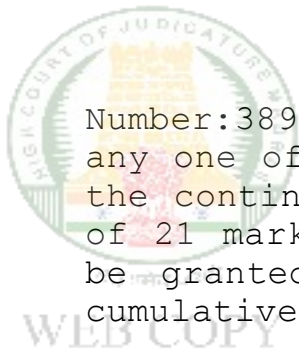
14.S.N.Mahalakshmi

15.K.Sujathamalini

... Respondents

(Respondents 5 to 15 impleaded as per order of this Court, dated 06.08.2012 in M.P. (MD)No.3 of 2012)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the selection of 11 candidates for the post of Assistant Professor of English and Tamil Nadu Government Arts and Science Colleges in Backward General Category by the proceedings of the Teachers Recruitment Board pursuant to the Tamil Nadu Government Memo



Number:389/A6/2010, dated 26.05.2010 and to quash the selection of any one of them for the post of Assistant Professor of English in the contingency of my selection to the said post upon restoration of 21 marks leading to an interview, wherein, the marks that may be granted would surpass the marks of such a single candidate cumulatively.

For Petitioner	: Mr.R.Narayanan
For R1	:Mr.V.R.Shanmuganathan Special Government Pleader
For R2 and R3	:Mr.D.Muruganandam Additional Government Pleader
For R5, R6 and R9, 13 and 15	:Mr.M.Saravanan
For R7 and R14	:No Appearance
R4, R8, R10 and R11	:Dismissed for default vide order dated 17.03.2015 ***

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records relating to the selection of 11 candidates to the post of Assistant Professor in English in Tamil Nadu Arts and Science Colleges in Backward General category by the proceedings of Teachers Recruitment Board pursuant to the Government Memo, dated 26.05.2010.

2.The brief facts that are necessary for the disposal of this Writ Petition are as follows:

2.1.The petitioner states that he was teaching English language in Roever College of Engineering and Technology, Perambalur, from the year 2009. The petitioner has completed B.A., and M.A., in English. He has also done M.Phil in English. However, he was awarded Ph.D degree by the Tamil University, Tanjore and his Ph.D degree was in Linguistic and the topic was "Synthetic Structures of English and Tamil (with special reference to Machine Translation).

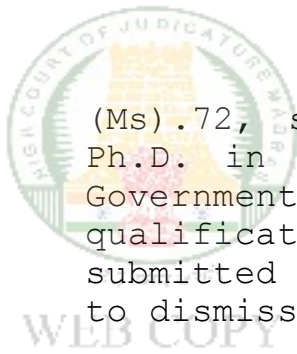
2.2.For the post of Lecturer, the University Grant Commission has laid down minimum qualification. As per regulation, Ph.D. in the concerned subject carry more weightage, in terms of qualification for appointment of Assistant Professor in Universities and Colleges. The first respondent issued a recruitment notification for the purpose of filling up several posts of Assistant Professor in Tamil Nadu Government Arts and Science Colleges. One of the posts called for is the post of Assistant Professor in English.



2.3.As per the recruitment notification and prospectus, it is not in dispute that qualifications were specifically prescribed. Ph.D. in the concerned subject alone will carry maximum marks and 9 marks was earmarked for persons with Ph.D. qualification in the concerned subject. In the absence of Ph.D., person with M.Phil. with SLET/NET is entitled to have six marks as weightage. At the time of interview, the petitioner was not given nine marks, and he was given only six marks for having M.Phil qualification. It is only in the said circumstances, the petitioner originally filed a Writ Petition as a Writ of Mandamus to direct the first respondent to restore nine marks obtained by the petitioner in the Certificate Verification Stage for his Ph.D.degree and enabling the petitioner to be eligible for the second stage, viz., Interview Stage.

3.Since 11 candidates have already been selected for the post of Assistant Professor in English in Tamil Nadu Government Arts and Science College in the Backward General category by the proceedings of Teachers Recruitment Board, the petitioner filed an amendment petition to amend the prayer in the Writ Petition. Accordingly, the said petition was allowed and the prayer in the Writ Petition was allowed. The petitioner also impleaded the 11 other candidates, who have been selected as Assistant Professor in English in Tamil Nadu Government Arts and Science College and they were ranked as Respondents 5 to 15.

4.The learned Counsel for the respondents, 5, 6, 9, 13 and 15 submitted that the petitioner's Ph.D. in Linguistic is not equivalent to Ph.D. in English. It is further stated that the petitioner studied Ph.D in Linguistic at Tamil University, Tanjore, and that his Ph.D., is not in English language as confirmed by the Government, while giving certificate of equivalence. The learned Counsel also submitted further that the candidates should possess Ph.D in the relevant subject, as per the recruitment notification. Since the petitioner did his Ph.D. in another subject, he is not entitled to challenge the selection process. The learned Counsel further relied upon Government Order vide, G.O.Ms.No.72, Higher Education (K2) Department, dated 30.04.2013. In this Government Order, the Equivalence Committee appointed by the Government has given its recommendations and based on that, the Government Order has been issued. At request of the Tamil Nadu Public Service Commission, the Equivalence Committee, after the meeting, resolved to recommend the equivalence of educational qualification. By resolution No.3, the Committee made it clear that Ph.D. in Linguistic cannot be considered as equivalent to Ph.D. in English. The recommendation of the Committee was accepted by the Government, after consideration. Accordingly, Government issued order, vide G.O.



(Ms).72, stating that Ph.D. in Linguistic is not equivalent to Ph.D. in English. In view of the clarification issued by the Government, which is competent to declare equivalence of any qualification, the learned Counsel for the contesting respondents submitted that the Writ Petition is devoid of any merit and liable to be dismissed.

5.This Court considered the rival submissions and perused the materials available on record.

6.The petitioner's contention is based on an assumption that Ph.D. in the English is equivalent to Ph.D. in Linguistic. Ph.D. in Linguistic is entirely different from Ph.D. in English. The fact that the petitioner has acquired Ph.D. in Linguistic from Tamil University, would indicate that the subject is something related to comparing Tamil language with English. The topic chosen by the petitioner would also indicate that the Ph.D. obtained by the petitioner is not in the same subject.

7.Be that as it may, the Government has now issued a Government Order accepting the recommendations of Equivalence Committee. As pointed out earlier, as per the recommendation of Equivalence Committee, Ph.D. in Linguistic is not equivalent to Ph.D. in English. When this is the position, the very basis of the petitioner's contention that he should be selected for the post of Assistant Professor in English in Tamil Nadu Government Arts and Science Colleges has no legal basis. Hence, this Court is unable to entertain this Writ Petition.

8.Accordingly, this Writ Petition is dismissed and the impugned memo, dated 26.05.2010 is quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

CMR

To

1.The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Secretary,
State of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai.

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3.Directorate of Collegiate Education,
College Road, Chennai.

+1 CC to MR.T. BANUMATHY, Advocate (SR-101436[F] dated 26/11/2019)

+1 CC to MR.R. SUBRAMANIAN, Advocate (SR-101360[F] dated 26/11/2019)

+1 CC to MR.SPL GP (SR-101513[F] dated 26/11/2019)

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