



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.17754 of 2013

and

M.P (MD) No.1 of 2013

S.Vani

... Petitioner

-vs-

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-09.

2.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
CPI Compound, College Road,
Chennai-06.

3.The Registrar,
Madurai Kamaraj University,
Palkalainagar,
Madurai-625 021.

4.University Grant Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002.
(R3 & R4 Sup-motu impleaded vide
Court Order dated 21.06.2019.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring the rejection of the candidature of the petitioner as illegal and consequently to direct the respondent No.2 to appoint the petitioner in the post of Post Graduate Assistant in History.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mrs.S.Srimathy, Special Government Pleader
For R2	: Mr.VR.Shanmuganathan, Special Government Pleader
For R3 & R4	: No appearance



O R D E R

The relief sought for is to declare the rejection of the candidature of the writ petitioner as illegal and consequently direct the respondent No.2 to appoint the petitioner to the post of Post Graduate Assistant in History.

2.The writ petitioner states that she got admission to the course of B.Sc., in Chemistry and discontinued during the final year. After discontinuing the under graduation course of B.Sc., in Chemistry during the year 1993 from Devanga Arts College, Aruppukkottai, the petitioner secured admission to third year B.A., History through Correspondence course and continued her education with Madurai Kamaraj University. The petitioner further studied M.A., History from Madurai Kamaraj University and passed B.Ed., also. Pursuant to the recruitment notification issued for appointment to the post of Post Graduate Assistant in History, the writ petitioner submitted her application and participated in the process of selection. However, the candidature of the writ petitioner was rejected on the ground that the degree of B.A., History obtained by the writ petitioner is invalid degree.

3. The learned counsel for the writ petitioner states that when the University admitted her to pursue the third year B.A., History after completion of two years B.Sc., Chemistry, then the petitioner cannot be blamed and for all purposes she must be treated as qualified for appointment to the post of Post Graduate Assistant (History). It is further contended that Madurai Kamaraj University has granted admission to B.A., third year history in correspondence course, the petitioner is eligible for appointment in public services.

4. The learned Special Government Pleader appearing on behalf of the respondents states that the writ petitioner is unqualified as she had not secured the under graduation as per the University Grants Commission pattern. The writ petitioner admittedly had studied first two years in a college and pursued her B.Sc., Chemistry and thereafter she discontinued the college and joined third year B.A., History in Madurai Kamaraj University through correspondence course. Such an admission provided in third year B.A., history itself is invalid and not in consonance with the University Grants Commission regulations issued for the purpose of conferring degrees. The mode of education undergone by the writ petitioner as well as the reasons for ineligibility also has been narrated in para 6 & 7 of the counter affidavit, which are extracted hereunder:-

"6. It is submitted that the petitioner was one among the candidate applied for the post of Post Graduate Assistant in History. Based on the eligible marks secured

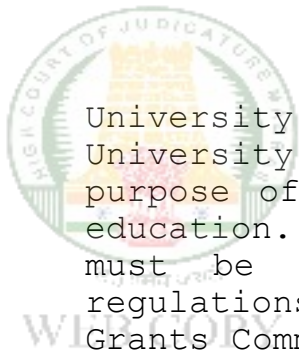


in the written examination, he was called for certificate verification on 23.10.2013. At the time of certificate verification it was found that he was in possession of following qualification:

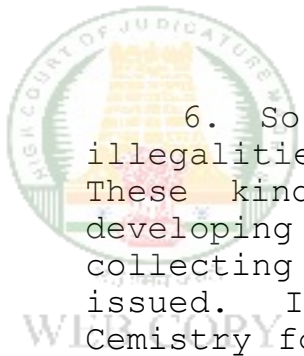
Sl.No.	Name of the Degree	Subject	Duration of Course	Whether qualified or not	Course completed or discontinued
1	B.Sc.,	Chemistry	2 years	-	Discontinued (Course incomplete)
2	B.A.,	History	1 years	Qualified (has qualified in all the major subjects on getting exemption for appearing in Part I and II (English and in Language)	Dual degree (Course Completed)
3	M.A.,	History	2 years	qualified	
4	B.Ed.,	-		qualified	

7.As per the rules in existence, the candidate those who were in possession of degree under completion of course by three years, could be considered as eligible for the post of Teacher as Post Graduate Assistant. However, in this case the writ petitioner had discontinued B.Sc., Chemistry in 2nd year and subsequently he had acquired B.A., degree (dual degree) in subject History on completing the course by one year on obtaining exemption from writing Part I and Part II of the course (i.e.,) in subject English and Language. Therefore his candidature was rejected and treated as ineligible."

5. This Court is of the considered opinion that large number of such irregularities are found on account of the non-adherence of the University Grants Commission regulations by various Universities across the Country. The Universities are conferring degrees which are irregular and which all are invalid as per the



University Grants Commission regulations. Pursuant to the University Grants Commission Act, regulations are issued for the purpose of conferring degrees to the persons who all are pursuing education. Thus, the degree granted by the University concerned must be in consonance with the University Grants Commission regulations and any degree conferred in violation of the University Grants Commission regulations cannot be treated as a valid degree in the eye of law for the purpose of providing public employments. The Government also has taken a decision that the degrees granted by the recognized University and the degrees obtained through the regular pattern of education alone is to be considered for public appointments. Thus, all other degrees conferred for developing a commercial venture by these Universities is to be controlled and all such irregularities are to be viewed seriously. The University Grants Commission though aware of these kind of irregularities being committed by various Universities across the country, no effective actions are taken against the Universities for the purpose of cancelling their recognition. Contrarily, the University Grants Commission remains as a mute spectator, resulting hardship and mental agony to the poor students, who all are pursuing the education in various Universities. Students some time may not be aware of the pattern of education. It may not be possible for each and every students to verify the University Grants Commission regulations and take admission in the Universities, even some established Universities are committing such irregularities and illegalities warranting serious action by the Government as well as by the University Grants Commission. The Universities, who all are committing such irregularities, must be prosecuted properly and their recognitions are also to be cancelled by issuing proper notice by the competent authorities of the University Grants Commission. Large number of such invalid degrees are issued. The candidates are also participating in the recruitment process by virtue of such illegal and invalid degrees granted by these Universities. The ultimate sufferers are, these poor students and the gainer would be the University. The University collecting money from these students are conferring illegal and invalid degrees. Such degrees granted are of no use for the students for the purpose of securing public employment. Thus, conferring of degrees must be in consonance with the regulations issued by the University Grants Commission and any violation in this regard must be viewed seriously and all appropriate actions including prosecution for cheating the public is to be instituted. In one view, in view of this Court it amounts to cheating the poor students who all are aspiring to secure degree from reputed Universities. Even such reputed Universities are committing such illegalities and irregularities. In the State of Tamil Nadu, the Open University degrees were granted by the Annamalai University in violation of the UGC regulations and the Supreme Court of India invalidated all such Open University degrees in the case of ***Annamalai University vs. Secy. To Govt. Information and Tourism Department reported in 2009(4) SCC 590.***

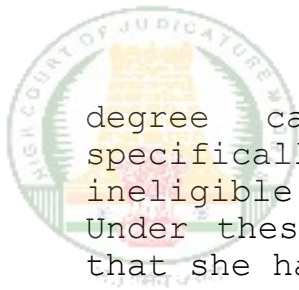


6. So also, Madurai Kamaraj University is also doing such illegalities and irregularities by issuing such invalid degrees. These kind of invalid degrees are issued for the purpose of developing a commercial venture in Education programmes and by collecting huge amount from the students, such invalid degrees are issued. It is a great wonder, how a student would studied B.Sc., Chemistry for two years is able to secure admission to B.A., History in third year. Such a pattern of education is unknown to education system maintained and approved by the University Grants Commission. Such a system even in the common sense is bad in law and there cannot be any such degree of B.A., History after completion of two years in B.Sc., Chemistry. Thus, an inspection in this regard by the University Grants Commission is undoubtedly imminent and warranted. The University Grants Commission should conduct periodical inspections in respect of the validity of the degrees conferred by these Universities across the State from Tamil Nadu as well as across the Country. The University Grants Commission is also failing in their duty in properly instructing these Universities in respect of the issuance of various degrees as per the University Grants Commission regulations in force.

7. Under these circumstances, this Court is of the considered opinion that the University Grants Commission must conduct an inspection in respect of various degrees granted by Madurai Kamaraj University by establishing their commercial venture and accordingly, prosecute the officials who all are responsible and accountable and for misguiding and cheating the poor students who all are the backbone of this great nation and aspiring to secure employments by virtue of such degrees acquired from the University. This being the factum, the Registry, High Court of Madras is directed to communicate the copy of this order to the University Grants Commission enabling them to conduct inspections in Madurai Kamaraj University and identify all such illegalities and irregularities and prosecute them by following the procedures contemplated.

8. As far as the relief sought for in the present writ petition is concerned, admittedly, the writ petitioner had pursued B.Sc., Chemistry for two years and got admission to third year B.A., History through correspondence course. Such a pattern of education is in violation of the University Grants Commission regulations and the Government also rightly rejected the case of the writ petitioner for appointment to the post of Post Graduate Assistant in History.

9. Teaching is a profession. Teaching is a skill. Taking classes in a class room is an Art. Thus, the candidates, who studied in a regular pattern of education in a regular college alone is competent to impart education to the children or students in a School or College. Thus, the candidates, who studied in the regular course alone must be made eligible for appointment to the Teaching post and in Teaching faculty. The other persons, who



degree can never be allowed to secure appointment, more specifically, in Teaching faculty. Those candidates are to be made ineligible as they did not have the class room experience at all. Under these circumstances, the writ petitioner has not established that she had acquired degree which is a valid one.

10. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.Side)

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Sub Assistant Registrar

To

1.The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-09.

2.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
CPI Compound, College Road,
Chennai-06.

3.University Grant Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

+1 CC to M/s.SPLGP (SR-83818[F] dated 28/08/2019)

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