



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.03.2019

Delivered on : 10.04.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.[MD]No.8837 of 2017

and

W.M.P. (MD)Nos.6779 to 6781 of 2017

Dr.Kavitha, S.

: Petitioner

Vs.

1.The Chairman,
Tamil Nadu Teacher's Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

2.The Member Secretary,
Tamil Nadu Teacher's Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

3.P.Asai Geethan

4.M.Vaishnavi

5.A.Nirmala

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned provisional selection list of candidates, for the post of Assistant Professor in Government Engineering Colleges 2013-2014 and 2014-2015, insofar as serial number 22, 23 and 25 are concerned, which was published by the first respondent in its website on 27.04.2017, in SUB CODE:14E09-Maths, and quash the same as illegal and consequently, direct the respondents 1 and 2 to include the petitioner's name in the provisional selection list of candidates, for the post of Assistant Professor in Government Engineering Colleges 2013-2014 and 2014-2015, in SUB CODE-14E09-Maths, by considering the petitioner's marks in the written examination and certificate verifications and other academic records.

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

: Mr.C.Kishore

For Respondents 1&2

: Mr.VR.Shanmuganathan



For Respondent No.3 : No Appearance

For Respondent No.4 : No Appearance

For Respondent No.5 : No Appearance

WEB COPY

ORDER

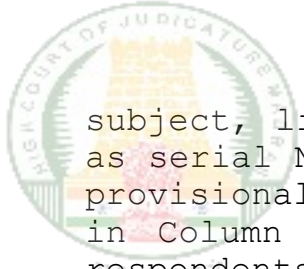
The challenge in this Writ Petition is to the provisional selection list published by the first respondent on 27.04.2017 containing the names of candidates for the post of Assistant Professor in Government Engineering Colleges 2013-2014 and 2014-2015, insofar as serial numbers 22, 23 and 25 are concerned. The petitioner also seeks a direction to the first and second respondents to include her name in the provisional selection list of candidates for the aforesaid post.

2. The facts, in a nutshell, are as follows:

(i) The petitioner has completed the Degree of Doctor of Philosophy in Mathematics in February, 2016. The second respondent, pursuant to the notification in Advertisement No.3/2014, dated 16.07.2014, called for direct recruitment for the post of Assistant Professors in Engineering Colleges for the academic year 2013-2014 and 2014-2015. But the same was not processed further. Subsequently, the second respondent commenced the process by calling for fresh applications to be submitted on or before 07.09.2016. The applications of the earlier candidates were also entertained. Having eligible, the petitioner applied for the said post and was issued with a hall ticket and successfully completed written examination with 87 marks out of 190 marks. While so, on 06.01.2017, the tentative provisional list of candidates for certificate verification was issued, wherein she was placed in Serial Number '50' and pursuant to a call letter, she successfully completed the certificate verification on 20.01.2017, wherein, she was awarded additional marks for her M.Phil, Degree (3 marks) and Ph.D., degree (5 marks). Thus, in total, she was awarded with 95 marks.

(ii) While the matter stood thus, the first respondent on 27.04.2017 issued a final result containing 187 candidates provisionally selected for the above said post. For the mathematics subject, the respondents issued a provisional selection list of candidates with a list of 25 candidates, wherein, the name of the petitioner was not found place. Hence, questioning the same, she is before this Court.

3. The learned counsel for the petitioner submits that having possessed the degree of Doctor of Philosophy in Mathematics, the petitioner applied for the post of Assistant Professor in Engineering Colleges. On certificate verification, the first respondent issued a final result with a list of 187 candidates provisionally selected for the said post and for Mathematics



subject, list of 25 candidates were published. Out of them, insofar as serial Number 22 is concerned, the third respondent, who has been provisionally selected, has not even passed NET/SLET/SET as mandated in Column No.7 of the prospectus issued by the first and second respondents. It is mandatory that the candidates should pass the prescribed qualification on or before 07.09.2016 i.e., the cut-off date for submitting the applications. But, the SET results of the third respondent was published only on 24.10.2016 and a certificate was issued only on 10.02.2017. As such, the third respondent was not even competent to make an application, but, in column No.13(d) of the application, the third respondent shaded as if he passed the SET as on the date of application. During certificate verification, the first and second respondents, having found the said discrepancy, failed to act upon as per column No.14 of prospectus, which speaks about the rejection of certificates issued after the cut-off date for submission of application. Whereas, the name of the third respondent was included in the provisionally selected list, who does not even satisfy the eligibility criteria. On account of non-fulfilment of requisite qualification as mandated, the candidature of the third respondent has to be rejected, but, whereas, the respondents 1 and 2 included his name in the provisionally selected list, which needs interference.

4. Adding further, in respect of serial number 23, the fourth respondent was provisionally selected. She produced her community certificate during certificate verification, which was issued in her grandfather's name, whereas, clause 8 of the prospectus deals with community certificate, wherein in the 'Note' No.(ii), it was specified that married women should possess community certificate issued in father's name only. The first and second respondents, without rejecting her claim, directed her to make correction in the community certificate and selected her provisionally, which is illegal.

5. Also, it is contended that insofar as serial number 25 is concerned, the fifth respondent was provisionally selected. Though she claimed that she possessed the Teaching Experience Certificate, she did not even produce it during certificate verification. However, the respondents 1 and 2 awarded 2 marks for teaching experience, without any certificate. Thus, the inclusion of her name in the provisionally selected list is also illegal and the same needs to be interfered with.

6. Inviting the attention of this Court to the judgment reported in **2009(4) SCC 555 [Mohd. Sohrab Khan v. Aligarh Muslim University]**, the learned counsel for the petitioner submits that if the educational qualifications are prescribed in an advertisement, the authorities cannot deviate from the advertisement. When the notification and its prospectus made it clear that a pass in NET/SLET or a pass in Ph.D., in addition to the Master Degree is necessary qualification, all candidates are expected to have a certificate to that effect as on the last date of submission of



application i.e., on or before 07.09.2016. But, here in this case, the third respondent has not passed SLET/SET as on 07.09.2016, but, making a false claim as if he passed SLET/SET, he made the application.

7. With the above scenario, the petitioner sent a representation to the first and second respondents on 02.05.2017, though acknowledged, not even a response was made till date. Therefore, the petitioner challenged the impugned provisional selection list and with the above submissions, she seeks to quash the same.

8. Controverting the same, the learned Standing Counsel appearing for the respondents 1 and 2, through the counter-affidavit filed by the second respondent, contended that the petitioner was one among the candidates applied for the post of Assistant Professor (Engineering Colleges) in Mathematics. The petitioner appeared for the written examination and secured 87 marks. The Board called for all the eligible candidates for certificate verification including the petitioner. During certificate verification, the petitioner was awarded with 8 marks for her additional qualification, thus, totally, she secured 95 marks.

9. It is contended that the petitioner belongs to Scheduled Caste (W) category. The last candidates selected in Scheduled Caste (G) and Scheduled Caste (W) categories were having 97 marks. Since the petitioner has secured only 95 marks, she was not considered for selection.

10. With regard to the challenge made to the selection of the third respondent, it is contended that he has produced the certificate downloaded from the website that he was qualified in SLET conducted during 2016 at the time of certificate verification. The Certificate Verification Board directed him to furnish original SLET certificate for verification, pursuant to which, he furnished the same, wherein, it is stated that he passed SLET in February, 2016, i.e., prior to 07.09.2016, the last date of submission of documents. The Board considered his SLET qualification as valid and awarded weightage marks for the same as per rules in vogue. Thus, the selection of the third respondent is in accordance with law and the same need not be interfered with.

11. Insofar as the challenge made to the fourth respondent is concerned, it is submitted that the fourth respondent, at the time of certificate verification, submitted the community certificate in the name of her father and not in the name of her grandfather, but, some corrections were found therein. Therefore, the Board directed the fourth respondent to furnish community certificate without any correction. Since the same was complied with by the fourth respondent, she was provisionally selected and the said selection is in order, which does not warrant any interference.



12. In respect of the challenge made to the fifth respondent, the learned Standing Counsel appearing for the respondents 1 and 2 contended that the fifth respondent was called for certificate verification on 20.01.2017, for which, she attended the certificate verification and produced all documents and also a scanned copy of the Teaching Experience Certificate duly countersigned by the competent authorities. The Certificate Verification Board directed her to produce the original Teaching Experience Certificate. Accordingly, she produced the original certificate duly countersigned by the competent authority. Therefore, considering the same and by awarding weightage marks, the Board selected the fifth respondent, which is in order and not liable to be set aside.

13. To sum up, the learned Standing Counsel appearing for the respondents 1 and 2 submits that the recruitment of Assistant Professor of Government Engineering Colleges was conducted by the Board in a fair and transparent manner, which need not be interfered with at the hands of this Court.

14. In reply, the learned counsel for the petitioner, through the additional affidavit filed by the petitioner, contended that the contention of the second respondent that the third respondent passed SLET in February, 2016, i.e., earlier than the last date of submission of application is false, for the reason, that originally the Bharathidasan University was the Nodal Agency for conducting SLET examination till 2015 and from 2016 onwards, the Mother Theresa University, Kodaikanal, becomes the Nodal Agency for the same. For the year 2016, SLET examinations were conducted on 21.02.2016 and results came to be published in the website only on 24.10.2016 and the certificates were issued after 10.02.2017. The prospectus issued by the respondents 1 and 2 mandates certain guidelines, wherein, as per column 7, it is made clear that the candidates should pass the prescribed qualification on or before 07.09.2016, viz., the cut-off date for submitting the application. It is also made it clear that the certificate issued after the cut-off date will not be considered and shall be rejected. It is also submitted that the respondents have not selected certain candidates for not having SLET/NET certificate as on 07.09.2016. Similarly, the contentions regarding selection of respondents 4 and 5 are also denied by the petitioner.

15. Though notices were served on the respondents 3 and 5 and they entered appearance through counsel, there was no representation on their behalf.

16. Despite service of notice and printing the name of the fourth respondent in the cause-list, there was no appearance on her behalf either in person or through a pleader.

17. This Court paid its anxious consideration to the submissions made on either side and perused the materials available on record carefully and meticulously.



18. The core question is whether the respondents 3 to 5 have complied with the procedures enumerated, as per the prospectus issued by the first and second respondents and their names to be included in the provisionally selected list for the post of Assistant Professor in Engineering Colleges.

WEB COPY

19. At this juncture, it is relevant to extract the relevant portions from the prospectus issued by the Teachers Recruitment Board, which are as under:

7. Qualifications:

Post	Qualification
Assistant Professor (Engineering Subjects) [Civil, Mechanical, EEE, ECE, EIE, Computer Science Engineering and Metallurgy]	B.E. or B.Tech and M.E. or M.Tech. in the relevant Branch of Engineering or Technology with First Class or its equivalent either in B.E. or B.Tech./M.E. or M.Tech
Assistant Professor (Non- Engineering Subjects) [English / Mathematics/Physics/ Chemistry]	1. Master's Degree in the relevant subject with good academic record with not less than 55% of marks or an equivalent Cumulative Grade Point Average (CGPA) from an Indian University or an equivalent Degree from a Foreign University, and 2. Pass in the National Eligibility Test (NET) for Lecturers conducted by the UGC, Council for Scientific and Industrial Research (CSIR) or similar test accredited by the University Grants Commission. Provided that holders of Ph.D Degree are exempted from passing the said test.

Equivalent Subjects:

Candidates should apply for the relevant subject. If a candidate claims that the educational qualification in the subject possessed by him/her is equivalent to any one of the above mentioned subjects, the appointing authority i.e., user department (Directorate of Technical Education) will decide the equivalence at the time of appointment. The acceptance or rejection of such claims is vested with Directorate of Technical Education.

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

Candidate may apply only for the subjects for which the vacancies are notified and subject code numbers



assigned. The candidates applying for the posts mentioned in Annexure I should have passed Tamil Language under Part I or Part II in SSLC/PUC/Higher Secondary Course level. If not, he/she should pass Tamil Language Test conducted by the Tamil Nadu Public Service Commissioner within two years from the date of their appointment.

8. Community Certificate : Permanent Community Certificate obtained from the under-mentioned authorities on or before the last date for submission of the filled-in application form is essential for candidates claiming communal reservation.

a. ST - Revenue Divisional Officer/Sub-Collector dated after 11.11.1989.

b. SC - Tahsildar of native Taluk of the candidate.

c. BC/MBC/DNC - Headquarters' Deputy Tahsildar or Special Deputy Tahsildar of the candidate's native taluk.

Note:

(i) Candidates with the Community Certificate issued by other authorities from Tamil Nadu will not be considered for communal reservation.

(ii) Married Women should possess Community Certificate issued in father's name only.

(iii) The other State candidates (other than Tamil Nadu) claiming Community Reservation will be considered only for General Turn (GT).

13. Merit List : The merit list of candidates short-listed for Certificate Verification (CV), in the ratio of 1:2 based on written examination marks following the communal reservation, will also be published in the website. If more than one candidate secures the same lowest cut-off mark for a particular communal turn, all such candidates will be called for Certificate Verification. Hence the number of candidates called for Certificate Verification may be slightly higher than twice the number of vacancies. Weightage marks will not be added to the marks scored by the candidate in the written examination for shortlisting candidates for certificate verification.

14. Certificate Verification : Candidates short-listed as above will be called for certificate verification by intimation through official website. The candidate should bring the original and attested copies of all certificates to the certificate verification centre, as stated in the call letter for Certificate Verification. Weightage marks as shown below will be awarded after Certificate Verification. All the certificates should have been issued prior to the last date for submission of filled in application (cut-off



WEB COPY

date). Certificate issued after the cut off date will not be considered and shall be rejected.

	Description	Engineering	Non-Engineering
i	For Teaching experience of two years and above in a recognised college	2 marks	2 marks
ii	For M.Phil Degree from a recognised University in the appropriate branch of study in the non-engineering subject	---	3 marks
ii i	For Ph.D. in the relevant subject	8 marks	5 marks

These marks will be added for preparing the provisional merit-cum- communal selection list. Teaching Experience Certificate, issued by Principal of the Institution in the prescribed form (Specimen copy of the Teaching Experience Certificate is attached in Annexure-II) and countersigned by the officer concerned, should be produced. The Teaching Experience Certificate may be obtained for a period of service after the cut-off date, but the period of service shall be counted upto the cut-off date only. The certificates for higher qualifications, shown above, should have been obtained before the cut-off date.

15. Provisional Selection : The provisional list of candidates selected for appointment after the Certificate Verification and addition of weightage marks for the short-listed candidates duly following the merit cum communal rotation, will be published in the website of TRB viz. <http://trb.tn.nic.in> by notifying about release of the provisional result in the Press/media. Intimation to the provisionally selected candidates will not be sent by post individually. The final eligibility of the candidates will be subject to the decision of Teachers Recruitment Board and the Board has every right to alter or cancel their results.

17. Special Instructions:

a. The Application Forms should be carefully filled up. The passport size photograph should be pasted in the space provided and should not be stapled. The photograph should not be attested and it should be free from any mark, as the same has to be used for printing



the Hall Tickets.

b. Incomplete Application Forms will be summarily rejected. Canvassing in any form will be a disqualification for selection.

c. The Application Form should not be folded. The Application form should be submitted in the envelope issued along with the form.

d. The Subject Code should be clearly filled up in the space allotted in the Application Form. The name of the subject should be entered exactly as shown in the application form.

e. As the form is computer readable and pre-programmed, any information written outside the boxes provided will not be read by the computer. Hence, altering the form or adding any additional box will result in your application becoming invalid.

f. A photocopy of the filled and signed application form with acknowledgement may be preserved.

g. The TRB will not take any responsibility for non-submission of essential certificates by the candidates.

h. The Teaching Experience Certificate should be in the prescribed format as in the Annexure II.

i. Candidates are informed to ascertain their full eligibility for the post to which they have applied. The onus of proof of providing subject equivalence is vested with the candidates only. TRB cannot take any responsibility for the non-selection and ineligibility if any mistake detected at any stage during or after the recruitment and declaration of results and their candidature will be liable for cancellation.

j. Electronic gadgets/Clark's Table/Calculators/Cell Phones are not permitted inside the Examination Hall.

k. In the matter of recruitment, the decision of the TRB is final. Any representation for non-selection will not be entertained at any cost. Application forms will not be accepted after 5.00 p.m. on 07.09.2016."

20. A cursory look at the prospectus issued by the second respondent would go to show that the educational qualification for the post of Assistant Professor in Non-Engineering subjects is a Master degree in the relevant subject with good academic record with not less than 55% of marks or an equivalent cumulative grade point average (CGPA) from an Indian University or an equivalent degree from a Foreign University and pass in National Eligibility Test (NET) or State Eligibility Test (SET/SLET), provided that the holders of Ph.D., degree were exempted from passing the said tests. Further, it is made clear that the married women candidates should



possess community certificate issued in father's name only. It is also made clear that the certificates in original issued prior to the cut-off date for submitting the filled in application i.e., 07.09.2016 alone shall be considered and others will be rejected.

21. In the case at hand, the third respondent, despite giving instructions in the prospectus, has made an application to the post in question without producing the NET/SLET/SET certificate before the cut-off date prescribed by the second respondent i.e., on or before 07.09.2016, as mandated in the prospectus. Admittedly, the results for SLET was published in the website only on 24.10.2016 and certificate was issued only on 10.02.2017, as evident from the additional typed-set of papers filed by the petitioner and as such, on the crucial date, he did not possess the SLET Certificate. Hence, as rightly contended by the petitioner, the candidature of the third respondent is liable to be rejected.

22. Coming to the selection of the fourth respondent, as per the prospectus, she has to produce the community certificate issued in the name of her father, whereas, she has produced the certificate issued in the name of her grandfather. According to the respondents 1 and 2 also, some corrections were found in the community certificate produced by the fourth respondent. Furthermore, in the reply given to the petitioner through RTI, it was informed that as there was some correction in the community certificate produced by M.Vaishnavi, the fourth respondent herein, the corrected certificate was directed to be produced on the next day. It was also informed therein that the candidature of one S.P.Reshma was rejected on account of improper application. Thus, in my view, as per the prospectus, when the candidates apply for such posts, they have to take utmost care and fulfil all the requirements that have been enumerated therein, at the time of submitting application itself. This is done in view of the fact that once any candidate is allowed to do correction, it will lead to Pandora's box and the Board may not be able to fill up the vacancies on time. Therefore, the provisional selection done in the case of the fourth respondent also does not hold good, since she did not fulfil the conditions prescribed, as per the prospectus, for the post of Assistant Professor.

23. With regard to the selection of the fifth respondent, according to the petitioner, the fifth respondent has to produce the Teaching Experience Certificate during certificate verification itself, but, she did not do so. Whereas, it is the submission of the respondents 1 and 2 that the fifth respondent produced the scanned copy of the Teaching Experience Certificate duly countersigned by the competent authority and thereafter, on direction, she produced the original of the same. In my considered view, in this regard, a perusal of the prospectus would go to show that the candidates should bring the original and attested copies of all certificates to the certificate verification centre. Further, a mere reading of the prospectus, particularly, column 14 certificate verification, would

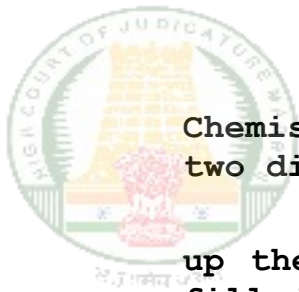


reveal that the Teaching Experience issued by the Principal of the Institution in the prescribed form and countersigned by the officer concerned should be produced. In column 17 Special Instructions, it was informed that the Teaching Experience Certificate should be in the prescribed format as in the Annexure II. In such an event, the candidates, while applying the posts, must possess the Teaching Experience Certificate, if she has such qualification. In the call letter also, it was informed that at the time of certificate verification, the candidates should bring the original certificates and the two attested copies of the same, which includes the Teaching Experience Certificate also. As per the reply obtained by the petitioner through RTI, it came to know that the relation of Nirmala, the fifth respondent herein, has obtained the Teaching Experience Certificate from the officer concerned on 19.01.2017 and due to strike of Transport Corporation relating to Jallikattu issue, the relation was unable to produce the same on 20.01.2017 and the fifth respondent informed that she will produce the same on the next working day. Neither the fifth respondent nor her counsel is before this Court. But, going by the records available on record, this Court has to presume that the fifth respondent has not possessed such certificate at the time of submitting application followed by due date fixed for Certificate verification. As per the submission of the respondents 1 and 2 also, the fifth respondent produced only the scanned copy of the certificate on the due date of certificate verification, which is also against the procedures enumerated in the prospectus. Thus, on that ground, her candidature is also liable to be rejected.

24. At this juncture, it is profitable to refer to the relevant paragraphs from the judgment in **Mohd.Sohrab Khan's** case cited *supra*, which read thus:

"24.According to us, the Selection Committee as also the University changed the rule in the midstream which was not permissible. The University can always have a person as a Lecturer in a particular discipline that it desires to have, but the same must be specifically stated in the advertisement itself, so that there is no confusion and all persons who could be intending candidates, should know as to what is the subject which the person is required to teach and what essential qualification the person must possess to be suitable for making application for filling up the said post.

25.We are not disputing the fact that in the matter of selection of candidates, opinion of the Selection Committee should be final, but at the same time, the Selection Committee cannot act arbitrarily and cannot change the criteria/qualification in the selection process during its midstream. Merajuddin Ahmad did not possess a degree in pure Chemistry and therefore, it was rightly held by the High Court that he did not possess the minimum qualification required for filling up the post of Lecturer



Chemistry, for pure Chemistry and Industrial Chemistry are two different subjects.

26. The advertisement which was issued for filling up the post of Lecturer in Chemistry could not have been filled up by a person belonging to the subject of Industrial Chemistry when the same having been specifically not mentioned in the advertisement that a Masters Degree holder in the said subject would also be suitable for being considered. There could have been intending candidates who would have applied for becoming candidate as against the said advertised post, had they known and were informed through advertisement that Industrial Chemistry is also one of the qualifications for filling up the said post.

27. The Selection Committee during the stage of selection, which is midway could not have changed the essential qualification laid down in the advertisement and at that stage held that a Masters Degree Holder in Industrial Chemistry would be better suited for manning the said post without there being any specific advertisement in that regard. The very fact that the University is now manning the said post by having a person from the discipline of pure Chemistry also leads to the conclusion that the said post at that stage when it was advertised was meant to be filled up by a person belonging to pure Chemistry stream.

28. In A.P. Public Service Commission v. B. Swapna, [(2005) 4 SCC 154] at para 14 it was held by this Court that norms of selection cannot be altered after commencement of selection process and the rules regarding qualification for appointment, if amended, during continuation of the process of selection do not affect the same.

29. Further at para 15 of B. Swapna case it was held that the power to relax the eligibility condition, if any, to the selection must be clearly spelt out and cannot be otherwise exercised. The said observations are extracted herein below:

"14. The High Court has committed an error in holding that the amended rule was operative. As has been fairly conceded by learned counsel for Respondent 1 applicant it was the unamended rule which was applicable. Once a process of selection starts, the prescribed selection criteria cannot be changed. The logic behind the same is based on fair play. A person who did not apply because a certain criterion e.g. minimum percentage of marks can make a legitimate grievance, in case the same is lowered, that he could have applied because he possessed



the said percentage. Rules regarding qualification for appointment if amended during continuance of the process of selection do not affect the same. That is because every statute or statutory rule is prospective unless it is expressly or by necessary implication made to have retrospective effect. Unless there are words in the statute or in the rules showing the intention to affect existing rights the rule must be held to be prospective. If the rule is expressed in a language which is fairly capable of either interpretation it ought to be considered as prospective only. (See P. Mahendran v. State of Karnataka (1990) 1 SCC 411 and Gopal Krushna Rath v. M.A.A. Baig(1999) 1 SCC 544.)

15. Another aspect which this Court has highlighted is scope for relaxation of norms. Although the Court must look with respect upon the performance of duties by experts in the respective fields, it cannot abdicate its functions of ushering in a society based on rule of law. Once it is most satisfactorily established that the Selection Committee did not have the power to relax essential qualification, the entire process of selection so far as the selected candidate is concerned gets vitiated. In P.K. Ramachandra Iyer v. Union of India (1984) 2 SCC 141 this Court held that once it is established that there is no power to relax essential qualification, the entire process of selection of the candidate was in contravention of the established norms prescribed by advertisement. The power to relax must be clearly spelt out and cannot otherwise be exercised."

30. In Krushna Chandra Sahu (Dr) v. State of Orissa, [(1995) 6 SCC 1], at para 34 it was held by this Court that "the Selection Committee does not even have the inherent jurisdiction to lay down the norms for selection nor can such power be assumed by necessary implication.

31. In Krushna Chandra Sahu (Dr.) case reference was made to the decision in P. K. Ramachandra Iyer v. Union of India [(1984) 2 SCC 141], wherein at para 44 it was observed:

"44.....By necessary inference, there was no such power in the ASRB to add to the required qualifications. If such power is claimed, it has to be explicit and cannot be read by necessary implication for the obvious reason that such deviation from the rules is likely to cause irreparable and irreversible harm."

32. After analysing the present issue in the light of the abovesaid legal proposition laid down by this Court



we hold that the High Court was justified in rejecting the candidature of Merajuddin Ahmad as against the said post which was advertised for pure Chemistry stream. However, with the appointment of Merajuddin Ahmad to the said post, the list recommended by the Selection Committee and approved by the other competent authority has lapsed.

33. We, therefore, uphold the order passed by the High Court giving liberty to the University to lay down the qualification necessary for filling up the aforesaid post. The University shall now advertise the said post by laying down exact essential qualification indicating the particular subject and subjects- stream which is required to be possessed for making an application to fill up the said post and therefore proceed to appoint a Lecturer suitable for the aforesaid post.

25. On an overall analysis of the facts and circumstances of the case and also on careful scrutiny of the prospectus, one can infer that before applying for the post in question, the candidates must fulfil all the requirements, which is nothing but mandatory, as per the prospectus issued by the concerned authority. When such guidelines were issued in the prospectus, the same have to be followed not only by the candidates who applied for the posts, but also the authority who issued such guidelines, in a proper manner. But, here in this case, the respondents 3 to 5 have not produced the relevant certificates at the time of certificate verification as per the guidelines issued in the prospectus. Thus, the contention raised by the petitioner, in view of the factual matrix as discussed above, stands hold good.

26. In fine, the impugned provisional selection list of candidates for the post of Assistant Professor in Government Engineering Colleges 2013-2014 and 2014-2015, in respect of serial numbers 22, 23 and 25 viz., respondents 3 to 5 herein alone, published by the first respondent on 27.04.2017 is set aside. The respondents 1 and 2 shall explore the possibility of considering the petitioner's candidature, if she is otherwise found eligible.

27. The Writ Petition stands disposed of to the extent indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

// True Copy //



To

1.The Chairman,
Tamil Nadu Teacher's Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

2.The Member Secretary,
Tamil Nadu Teacher's Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

+1 CC to M/s.C.KISHORE, Advocate in SR-60362

+1 CC to M/s.Special Government Pleader in SR-60615

W.P. [MD]No.8837 of 2017

Delivered on:

10.04.2019

sml

PK/23.04.2019 : 15P/5C