



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.11639 of 2014
and
M.P.(MD).No.1 of 2014

R.Gnanapaul Raj

... Petitioner

Vs.

- 1.Secretary to Government,
Department of Higher Education,
Secretariat,
Chennai.
- 2.The Director of College Education,
College Road,
Chennai-600 006.
- 3.The Teachers Recruitment Board,
Rep by its Chairman
Nungambakkam,
Chennai-6.
- 4.The University Grants Commission(UGC)
Rep by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the 2nd respondent pertaining to its order in O.Mu.No.65233/De5/2013 dated 06.06.2014 and quash the same and consequently, direct the respondent to transfer and designate the petitioner as an Assistant Professor in Tamil based on his qualification within a time frame that may be stipulated by this Court.

For Petitioners : Mr.S.C.Herold Singh

For R1 to R3 : Mr.S.Dhayalan
Government Advocate

For R4 : No appearance



ORDER

The order impugned dated 06.06.2014 states that the recruitment to the post of Assistant Professor in Government Colleges are made through the direct recruitment process and therefore, the claim of the writ petitioner to appoint him as Assistant Professor by way of transfer of service is not possible.

2.The petitioner is now working as B.T.Assistant in the Higher Secondary School. The learned counsel for the writ petitioner states that the petitioner is fully qualified for appointment to the post of Assistant Professor in Government College. However, he was not permitted to participate in the process of selection, on account of the fact that he is not possessing requisite teaching experience in any one of the College. In view of the fact that the writ petitioner is working as a Teacher in the School, he may be appointed by way of transfer of service to the post of Assistant Professor.

3.In the absence of any specific Rules for appointment to the post of Assistant Professor by way of transfer of service, the Court cannot consider the case of the writ petitioner. Appointment by way of transfer of service can be provided only if there is a provision in the Rules and not otherwise. The post of Assistant Professors are filled up through the direct recruitment method and the UGC regulations are followed in this regard. Thus, if at all the writ petitioner is interested in securing appointment to the post of Assistant Professor, he must be possessed all the requisite qualification as per the UGC regulations and therefore, the very claim set out in the writ petition to appoint the petitioner as Assistant Professor by way of transfer of service, is absolutely misconceived and in the absence of any Rules to that effect , no such relief can be granted. The order impugned is in consonance with the legal principles and there is no infirmity as such.

4.In view of the above, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.Secretary to Government,
<https://hcservices.ecourts.gov.in/hcservices/>
Department of Higher Education,
Secretariat, Chennai.



2.The Director of College Education,
College Road,
Chennai-600 006.

3.The Teachers Recruitment Board,
Rep by its Chairman
Nungambakkam,
Chennai-6.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-80120[F] dated
06/08/2019)

+1 CC to M/s.SPL GP (SR-80322[F] dated 07/08/2019)

W.P. (MD) No.11639 of 2014
06.08.2019

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