



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.08.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD) No.16200 of 2014**

**and**

**M.P. (MD) No.1 of 2014**

S.Jagadeesan

... Petitioner

vs.

1.The Secretary to Government  
Higher Education Department  
Fort St.George, Chennai-600 009

2.The Chairman  
Teachers Recruitment Board  
EVK Sampath Maaligai  
4<sup>th</sup> Floor, DPI Compound  
College Road, Chetpet, Chennai-6

3.The Joint Director  
(Member, Collegiate Education / School Education)  
Teachers Recruitment Board  
EVK Sampath Maaligai  
4<sup>th</sup> Floor, DPI Compound  
College Road, Chetpet, Chennai-6

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus by quashing the Impugned Order O.MU.No.8230/AA6/2013 dated 26.09.2013 proceedings of the Joint Director (TRB) Member, Collegiate Education/School Education and consequently directing the 3<sup>rd</sup> respondent to Give Relaxation to the petitioner from Teaching Experience for the direct recruitment of Assistant Professors in Tamilnadu Collegiate Service for Government Arts and Science Colleges -2012.



For Petitioner : Mr.V.Angusamy

For Respondents : Mr.D.Muruganandham  
Additional Government Pleader for R1 & R3

Mr.V.R.Shanmuganathan  
Special Government Pleader for R2

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### **O R D E R**

The order of rejection, dated 26.09.2013, passed by the third respondent, rejecting the claim of the writ petitioner for grant of relaxation in respect of the requisite qualification of teaching experience for appointment to the post of Assistant Professor in Government Arts and Science College, is under challenge in the present writ petition.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner is a differently abled person and possessing the requisite educational qualification for appointment to the post of Assistant Professor in Tamil Nadu Collegiate Educational Services. Though the writ petitioner is possessing the educational qualification, he is not possessing the requisite teaching experience. In this regard, the writ petitioner submitted a representation, on 02.09.2013, to the competent authority, stating that the relaxation of teaching experience is to be granted to him enabling him to participate in the process of selection for appointment to the post of Assistant Professor. The claim of the writ petitioner was rejected on the ground that the qualification of teaching experience contemplated under the recruitment rules as well as under U.G.C.regulations cannot be dispensed with on account of the fact that the writ petitioner is a differently abled person. When the teaching experience is prescribed as a minimum qualification for appointment to the post of Assistant Professor, then relaxation cannot be granted in respect of a particular person or class of persons.

3. Relaxation cannot be granted in a routine manner. Rules are to be followed in all circumstances. Relaxation being an exception cannot be granted more specifically in respect of educational qualification as well as teaching experience prescribed for the post of Assistant Professor. This being the principles to be followed, the writ petitioner has to participate in the process of selection for the post to which he is eligible, contrarily, he cannot submit a representation for grant of relaxation of teaching experience for appointment to the post of Assistant Professor. The respondents cannot grant such a relaxation in favour of some individuals and therefore, the impugned order of rejection is in consonance with the recruitment rules as well as the legal principles to be followed in this regard.



4. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

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/TRUE COPY/

Sub Assistant Registrar

To:

1.The Secretary to Government,  
Higher Education Department,  
Fort St.George, Chennai-600 009.

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Teachers Recruitment Board,  
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(Member, Collegiate Education / School Education),  
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EVK Sampath Maaligai,  
4<sup>th</sup> Floor, DPI Compound,  
College Road, Chetpet, Chennai-6.

+1 CC to M/s.V. ANGU SAMY, Advocate ( SR-82673[F] dated 21/08/2019 )

+1 CC to M/s.SPL GP ( SR-82861[F] dated 21/08/2019 )

**W.P. (MD) No.16200 of 2014**  
**and**  
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**20.08.2019**

krk

JM/03.09.2019/3P/6C