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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2019

CORAM:

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

W.P.(MD)No.2269 of 2014

and

M.P(MD)No.1 of 2014

P.Hemamalini

... Petitioner

Vs.

1.The Secretary,
Dept of Higher Education,
St. George Fort, Chennai.

2.The Member Secretary,
Teachers recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

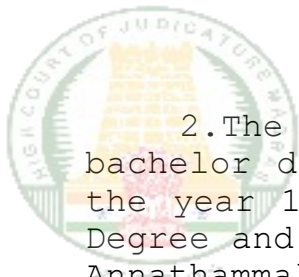
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the corrigendum in Notification No.04/2013 dated 28.05.2013 issued by the 2nd respondent published on 02.08.2013, in Tamil News Paper Dina Thanthi, quash the same and Direct the second respondent to consider the petitioner's work experience of the Assistnat Professors from the year 2003 when she was appointed as Assistant Professor in Devasagayam Annathammal Women's College Madurai for the purpose of awarding marks for work experience as per the original notification.

For Petitioner : Mr.M.Gururaj
For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the corrigendum in Notification No.04/2013, dated 28.05.2013 issued by the 2nd respondent published on 02.08.2013, in Tamil News Paper Dina Thanthi and direct the respondents to consider the work experience of the Assistnat Professors from the year 2003.



2.The writ petitioner states that she has obtained in her bachelor degree in English in the year 1990 and Master's degree in the year 1994. The petitioner secured first class in the Master's Degree and joined as Lecturer/Assistant Professor in the Devasagayam Annathammal Women's College, Madurai. The grievance of the writ petitioner is that she has completed her Master's degree with first class and served as Lecturer in the above college from 18.08.2003 to 30.09.2009 in the self financing department. However, marks were not granted for teaching experience and therefore, the writ petitioner was not selected. Thus, the petitioner claims that marks for the teaching experience is to be awarded in respect of the services rendered in Devasagayam Annathammal Women's College, Madurai.

3.In respect of the similar issue, this Court has passed an order in W.P.(MD)No.33191 of 2014, dated 7.11.2017 and the relevant paragraphs are extracted hereunder:-

"4. At the outset, the writ petition itself is filed on the ground that due weightage for the service experience has not been awarded to the writ petitioner resulting in denial of selection and appointment.

5.The learned Additional Government Pleader appearing for the respondents, in support of the counter affidavit, stated that the respondents have adopted an uniform method in respect of the assessment of the teaching experience. After the issuance of the notification one individual Thiru.Chandrasekar has filed a writ petition in W.P.No.18186 of 2013 before this Court seeking a direction to the Teachers Recruitment Board challenging the notification dated 28.5.2013 and for all consequential direction to consider his work experience for awarding marks. As per the direction of this Court, the Board issued Corrigendum on 02.08.2013 informing the candidates the yardstick for awarding marks for the Teaching Experience as detailed below

:

Sl. No.

Date

Qualification Prescribed by UGC for appointment of Lecturers in College/Universities

1.

Before

1991

P.G.with 50% minimum marks

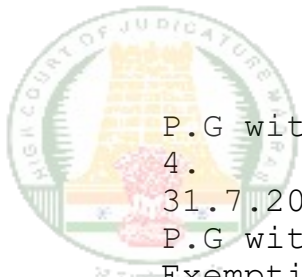
2.

19.9.1991

P.G with 50% minimum marks with pass NET/ SLET

3.

1993



P.G with 55% minimum marks with NET/SLET

4.

31.7.2002

P.G with 55% marks with NET/SLET.

Exemption for Ph.D., dissertation submitted before

31.12.2002

5.

14.6.2006

P.G. with 55% minimum marks with NET/SLET. Exemption for M.Phil for taking U.G. Class & Ph.D., for taking P.G. Class

6.

30.6.2010

P.G with 55% minimum marks with NET/SLET. Exemption only for Ph.D., holders.

6. The writ petitioner Dr.B.Seetha Devi, applied for the post of Assistant Professor for Computer Science in the Backward Class communal turn as per the notification. The respondents called her for certificate verification and during the certificate verification it was found that she acquired M.Com., in April 1993, M.Phil, in April, 1994 and Ph.D., in November, 2012. During the certificate verification, the teaching experience of the writ petitioner has been taken into account for awarding weightage marks for the period of service rendered by her in Bharathiar Arts and Science College (W), Attur, Salem District, which she is entitled as per the Corrigendum. Subsequently, she joined another college viz., Pavai Arts and Science College for Women, Anaipalayam, Namakkal District with effect from 19.7.2010. However, the writ petitioner did not possess requisite qualification i.e., either Ph.D., or SLET/NET etc., as per the UGC norms, therefore, the following period from 19.7.2010 to 30.11.2012 could not be taken into account for awarding weightage marks. Thus, as per the corrigendum, the services of the writ petitioner have been counted for awarding weightage marks only with effect from 01.12.2012 i.e., after completing the Ph.D., degree (November 2012) which is the requisite qualification for recruitment to the post of Assistant Professor after 30.6.2010 as per the above corrigendum. Accordingly, the teaching experience of the writ petitioner has been counted from 01.12.2012 to 31.5.2013 and she was awarded 2 marks for the same. In total, the writ petitioner was awarded 10 marks towards teaching experience and 9 marks for her educational qualification. As such the total marks secured by the writ petitioner is 19 marks. The respondent board shortlisted the candidates at the ratio of 1:5 for interview based on the marks secured in the certificate verification followed by communal roster. The cut off mark for the Backward Class communal turn is 23 marks. However, the writ petitioner has



secured 19 marks and she did not secure eligible cut off marks, so as to include her name in the short listed candidates. For these reasons, the petitioner was not called for interview.

7. At the outset, the learned counsel appearing for the respondents informed this Court that the writ petitioner has not secured the cut off mark of 23, thus, her name has not been included in the list of shortlisted candidates. Accordingly, there is no infirmity in the process of selection in respect of the writ petitioner.

8. This Court is of the view that the arguments advanced by the learned counsel appearing for the writ petitioner that the teaching experience of the writ petitioner is to be counted from 24.8.1995 onwards cannot be considered in view of the fact the respondents has issued a corrigendum, pursuant to the orders passed by this Court in W.P.No.18186 of 2013. Further it is not disputed that the same yardstick for awarding of marks was adopted in respect of all the candidates who participated in the process of selection. When an uniformed method is followed in respect of the award of marks for the teaching experience, this Court cannot consider the claim of the writ petitioner for adopting a different method so as to calculate the teaching experience from the year 1995 onwards. All the candidates who participated in the process of selection were granted marks for their teaching experience as per the yardstick followed by the respondents, pursuant to the corrigendum issued on 2.8.2013 on the notification.

9. Thus, there is no irregularity in the process of selection and further the writ petitioner has not secured the cut off mark of 23 in respect of the backward class communal turn. Thus, the writ petition is devoid on merits and accordingly, the writ petition stands dismissed. However, there shall no order as to costs. Consequently, connected miscellaneous petition is closed.

4. Further, it is brought to the notice of this Court that the writ petitioner has passed the Teachers Eligibility Test only in the year 2012. In respect of the recruitment notification which is impugned, the process of the selection also was concluded in the year 2013 itself and the selected candidates were appointed and working. Under these circumstances, the writ petitioner was not within the zone of consideration and accordingly, she was not selected. The claim of the writ petitioner to award marks cannot be granted in view of the reasoning given in the judgment cited supra.

5. Accordingly, the writ petition stands disposed of. No costs.



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W.P(MD)No.2269/2014

Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

To

- 1.The Secretary,
Dept of Higher Education,
St. George Fort, Chennai.
- 2.The Member Secretary,
Teachers recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

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W.P. (MD)No.2269 of 2014

16.08.2019

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