



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2019

CORAM:

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

W.P. (MD) No.13256 of 2015

and

MP (MD) No.1 of 2015

WEB COPY

S.Jasline Presilda

... Petitioner

Vs.

1.The Teachers Recruitment Board,
Represented by its Chairman,
4th Floor, EVK Sampath Buildings,
DPI Compound, College Road,
Chennai.

2.The Director of Collegiate Education,
9th floor, EVK Sampath Buildings,
College Road, Chennai-600 006.

3.University Grants Commission,
Represented by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to conduct the selection process afresh for recruitment of Assistant Professors (Tamil) in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges-2012 in accordance with the dictum laid down by the Hon'ble Supreme Court in the judgment dated 16.03.2015 in S.L.P. (CIVIL) No.36023-36032/2010 as the same has been done without taking into account the basic educational qualification for Ph.D.Degree holders in consonance with the University Grants Commission Regulations 2009, 2010 and consequentially direct the first respondent to calculate the teaching experience on the basis of date of completion of the requisite minimum educational qualification.

For Petitioner : Mr.R.G.Shankar Ganesh

For R1 & R2 : Mr.VR.Shanmuganathan
Special Government Pleader

For R3 : No Appearance



ORDER

The relief sought for in the present writ petition is to direct the first respondent to conduct the selection process afresh for recruitment of Assistant Professor (Tamil) in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges-2012 in accordance with the dictum laid down by the Hon'ble Supreme Court in the judgment dated 16.03.2015 in S.L.P.(CIVIL) No.36023-36032/2010 as the same has been done without taking into account the basic educational qualification for Ph.D.Degree holders in consonance with the University Grants Commission Regulations 2009, 2010 and consequentially direct the first respondent to calculate the teaching experience on the basis of date of completion of the requisite minimum educational qualification.

2. The grievances of the writ petitioner is that the first respondent while undertaking the process of selection had not followed the University Grants Commission regulations as well as the minimum standards of education as well as the other qualifications prescribed by the University Grants Commission for appointment to the post of Assistant Professor (Tamil) in Government Colleges. In view of the fact that the respondents had not followed the mandatory regulations issued by the University Grants Commission, the writ petitioner is constrained to file the present writ petition.

3. This Court is of the considered opinion that the grievance expressed by the writ petitioner is undoubtedly a concern and the authorities are bound to follow and implement the University Grants Commission regulations as well as the procedures issued. The minimum standards of educational qualifications and other criterias fixed by the University Grants Commission are to be followed scrupulously by all the recognized institutions across the country. The nature of degrees, the mode through which the candidates had undergone the degree course and the Post Graduate degree courses etc., are also to be verified before selecting and appointing the candidates. For example, if any Post Graduate degree or other degrees are obtained through Open University System then such degrees who all are not prescribed under University Grants Commission, are not eligible for appointment to the post of Assistant Professor (Tamil).

4. Teaching is a noble profession. Teaching in a class room is a skill. Thus, the candidates who studied and possessed the requisite educational qualifications through regular pattern of education in college alone to be selected and appointed for the post of Assistant Professor (Tamil). The candidates, who studied



through Open University system, correspondence course without attending the regular classes are undoubtedly not eligible for appointment to the post of Assistant Professor (Tamil). The Teacher must know the class-room craft. The Teacher must have the experience of witnessing the art of teaching in class-rooms. Thus, the candidates, who studied only through the regular educational system in regular colleges alone must be appointed to the teaching faculty. All these regulations and procedures already in force are to be considered by the competent authorities while undertaking the process of selection for appointment to the post of Assistant Professor (Tamil).

5. Under these circumstances, the respondents are directed to follow and implement the University Grants Commission Norms, Regulations and Procedures as well as the nature of degree courses undergone by the respective candidates, who all are aspiring to secure the post of Assistant Professor (Tamil) and accordingly, select and appoint such candidates to the post of Assistant Professor (Tamil) in Government Colleges. Any violation or erroneous implementation of University Grants Commission regulations and its procedures are to be viewed seriously and all those officials who all are responsible and accountable for non-implementation of the University Grants Commission regulations are to be suitably punished by initiating disciplinary proceedings under the Discipline and Appeal Rules. Negligence, lapse or dereliction of duty in this regard should never be accepted or tolerated. Thus, the State Government must ensure that all selection and appointments are to be done strictly in accordance with the University Grants Commission and by following the procedures contemplated as well as with reference to the statute and rules of the State Government.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Buildings,
DPI Compound, College Road,
Chennai

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



2.The Director of Collegiate Education,
9th floor, EVK Sampath Buildings,
College Road, Chennai-600 006.

3.The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi.

SJI

W.P. (MD) No.13256 of 2015
22.08.2019

KM/(10.09.2019) 4P 4C