



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5638 of 2015
and
M.P. (MD) Nos.1 to 3 of 2015

R.Thanga Muniyandi

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Fort St. George, Chennai-09.
- 2.The Director of Collegiate Education,
EVK Sampath Maligai, 9th Floor,
College Road, Chennai-06.
- 3.The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Compound,
College Road, Chennai-06.
- 4.The University Grants Commission,
Represented by the Secretary,
Bahadursha Zafar Marg, New Delhi-110 002. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification / Advertisement No.4/2013, dated 28.05.2013 on the file of the respondent No.3 and quash the same as illegal to the extent of prescribing the educational qualification as Ph.D., in the relevant subject merely without the specific insistence for the Ph.D., Degree in compliance of the "University Grants Commission (Minimum Standards and Procedure for award of Ph.D. Degree) Regulation 2009 and consequently, to direct the respondent No.3 to reject all candidatures without the educational qualification of NET / SLET or Ph.D., Degree in compliance of the "University Grants Commission (Minimum Standards and Procedure for award of Ph.D. Degree) Regulation 2009.



For Petitioner : Mr.T.Lajapathi Roy
For R1 to R3 : Mr.V.R.Shanmuganathan,
Special Government Pleader.
For R4 : Mr.B.Saravanan

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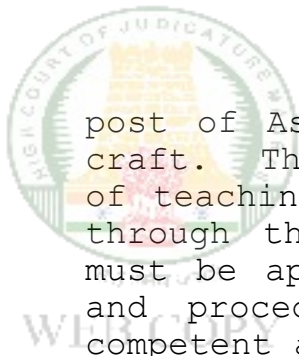
ORDER

The relief sought for in the Writ Petition is to direct the third respondent to strictly comply with the 2009 Regulations viz., "UGC (Minimum Standards and Procedure for awards of M.Phil/Ph.D., Degree) Regulation, 2009" of respondent No.4 pertaining to the eligibility criteria for appointment to the post of Assistant Professor.

2.The grievance of the writ petitioner is that the third 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 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 recognised 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.

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. 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. 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.

5. Under these circumstances, the third respondent is 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 and accordingly, select and appoint such candidates to the post of Assistant Professor 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, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (P&A)

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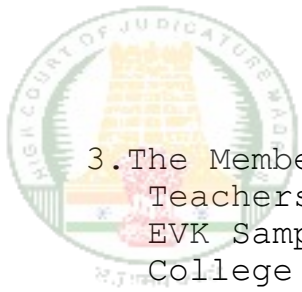
Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai-09.

2. The Director of Collegiate Education,
EVK Sampath Maligai, 9th Floor,
College Road, Chennai-06.

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



3.The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Compound,
College Road, Chennai-06.

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+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-83141[F] dated
22/08/2019)

W.P. (MD)No.5638 of 2015
21.08.2019

Myr
JMN(09.09.2019) 4P : 5C