



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.1252 of 2019

and

CMP (MD) No.10772 of 2019

1.The State of Tamilnadu

Represented by it's Secretary,
Department of Higher Education,
Secretariat, Chennai - 600 009.

2.Teachers Recruitment Board,

Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

.. Appellant

Vs.

1.B.Rajesh

2.The Union of India,

Represented by its Secretary,
Higher Education Department,
Ministry of Human Resource Development,
Shastri Bhavan,
New Delhi - 110 001.

3.University Grants Commission,

Represented by its Chairman,
Bahadur Shah Jaffar Marg,
New Delhi - 110 002

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.18755 of 2013 dated 21.06.2019.

Prayer W.P. (MD).No.18755 of 2013: in Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 3 & 4 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.2 pertaining to eligibility criteria for appointment to the post of Assistant Professor.



For Appellants : Mr.V.R.Shanmuganathan
Spl.Govt.Pleader

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants.

2. The appellants are not aggrieved by the order passed by the learned Single Bench in its entirety, but only with regard to paragraph No. 4, where the learned Single Bench has held that the teacher must know the class-room craft and should have studied through a regular educational system in a regular college and they alone will be entitled to participate in the recruitment process to be appointed as teacher. It is submitted by the learned Special Government Pleader that the findings in para 5 of the order passed in the writ petition appears to be inconsistent observations / directions contained in paragraph 4. This according to the appellants, needs to be clarified.

3. In our considered view, such a contention raised cannot be a ground for appeal, because, if according to the appellants, there is an error which is apparent on the face of the order, then the remedy is only to file a review and appeal is not a proper remedy. Thus, on the grounds raised by the appellants, we are not inclined to entertain the appeal. According the Writ Appeal is dismissed. However, the dismissal the of the appeal will not be a bar for the appellants to seek for review of the order in the Writ Petition, if so advised. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary,
State of Tamilnadu
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VB(04.12.2019) 3P 5C