



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD)No.1229 of 2019
and
C.M.P. (MD)No.10568 of 2019**

The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

... Appellant/3rd Respondent

Vs.

1.Dr.R.Pandiyarajan

... 1st Respondent/Petitioner

2.The Deputy Director,
Indian Council of Agricultural Research,
New Delhi-110 012.

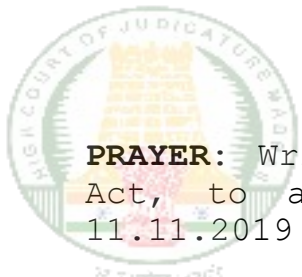
3.The Agricultural Production Commissioner
and the Principal Secretary to Government,
Agricultural Department,
Secretariat, Chennai-600 009.

4.The Director,
Department of College Education,
EVK Sampath Building,
College Road, Chennai-600 006.

5.The Chairman,
Teachers Recruitment Board,
EVK Sampath Building,
College Road,
Chennai-600 006.

6.The Principal,
RVS Agricultural College,
Usilampatti Village,
Sengipatti via.,
Thanjavur District.

... Respondents/Respondents



PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to allow the writ appeal and set aside the order dated 11.11.2019 passed in W.P.(MD)No.23231 of 2019.

Prayer in WP(MD). 23231/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents No.1 to 3 to issue the Format II experience certificate to the petitioner so as to enable the petitioner to apply the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges and Colleges of Education for the year 2018-19 as per the notification No.12/2019 dated 28.08.2019 and 04.10.2019 issued by the 5th respondent

For Appellant : Mr.A.Thirumuthy

For R2 to R6 : Mr.V.R.Shanmuganathan
Special Government Pleader

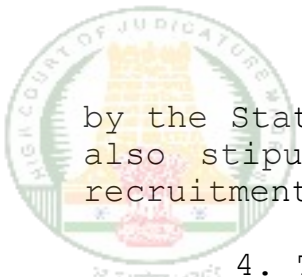
JUDGMENT

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

Heard Mr.A.Thirumuthy, learned Senior Counsel for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader for the official respondents. By consent on either side, this writ appeal is taken up for final disposal.

2. This appeal filed by the Registrar of Tamil Nadu Agricultural University is directed against the interim direction issued in W.P.(MD)No.23231 of 2019, dated 11.11.2019. The direction is in the nature of interim direction and the writ petition is pending and the learned Single Bench has directed the writ petition to be listed on 15.11.2019 for reporting compliance. The direction issued by the learned Single Bench is to the appellant to counter sign the Teaching Experience Certificate, which is prescribed by the Tamil Nadu Teacher Recruitment Board in Format II appended to the notification issued by the Teacher Recruitment Board.

3. The objection raised by the appellant / University as submitted by the learned counsel for the appellant is that no staff approval has been granted in respect of the said Teacher, who is stated to be working in the sixth respondent College. Further, the appellant university, has not been issued any direction by the State Government, namely the second respondent in the writ petition, enabling them to counter sign the Teaching Experience Certificate. So far as the second objection is concerned, the format has been prescribed by the Teacher Recruitment Board, which is the recruiting agency of teaching posts and the recruitment process has been vested



by the State Government to the Board. Similarly, some conditions are also stipulated by the Tamil Nadu Public Service Commission for recruitment to various category of posts.

4. The appellant University being an affiliated University of the agricultural colleges in the State of Tamil Nadu is empowered to counter sign the format issued by the Teacher Recruitment Board as prescribed in the notification issued by them. Notification has been issued by the Teacher Recruitment Board after the State Government has notified the vacancies, which have been filled up. Therefore, there is no legal impediment for the appellant university to counter sign the format.

5. The other objection raised by the appellant is that the credentials of the said candidate cannot be verified by the appellant. We do not accept the submission, because the Teaching Experience Certificate has to be signed by the Head of the Department / Dean of the University or the Institution or College, in which the candidate is working. Therefore, the first certifying authority is the Dean or Head of the Department of the Institution. This certificate has to be counter signed and this counter signature by the appellant University should be made after thoroughly verifying the particulars with the appointment order / Institution / College - staff approval orders / attendance / acquittance / ECS Statements and other relevant records and after being satisfied that it is found to be correct.

6. It is true that the the appellant has also to certify before countersigning Experience Certificate, that he is satisfied with the genuineness of the records relating to the candidate. Copy of the same is also required to be maintained by the University for further reference. The learned counsel for the appellant University submitted that in terms of Clause 15 (k) of the notification, if it is found that any certificate is found to be false, the Teacher Recruitment Board will initiate criminal action against the erring individual and the countersigning Authority. Therefore, it is submitted that in the event of any falsity in the records, the Authority of the appellant University is liable for criminal prosecution.

7. In our considered view, the learned Single Bench has rightly taken note of these and in paragraph 5 of the impugned order directed the University to counter sign the Experience Certificate after verifying the records, as per the notification of the Teacher Recruitment Board on or before 14.11.2019. Therefore, there is no direction to the appellant to sign in the dotted lines, but to counter sign the Experience Certificate after verifying the records. Therefore, we are of the clear view that there is no error in the direction issued in by the learned Single Bench. Considering the fact that the last date of submission of application is on 15.11.2019, the learned counsel for the appellant is directed to



instruct the appellant University to counter sign the Experience Certificate after verifying the records as per the notification of the Teacher Recruitment Board on or before 14.11.2019 as directed by the learned Single Bench and the instruction shall be given to the appellant University without waiting for the certified copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Deputy Director,
Indian Council of Agricultural Research,
New Delhi-110 012.
 - 2.The Agricultural Production Commissioner
and the Principal Secretary to Government,
Agricultural Department, Secretariat, Chennai-600 009.
 - 3.The Registrar, Tamil Nadu Agricultural University,
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 - 4.The Director,
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 - 5.The Chairman,
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EVK Sampath Building,
College Road, Chennai-600 006.
 - 6.The Principal,
RVS Agricultural College, Usilampatti Village,
Sengipatti via., Thanjavur District.
- +1 CC to M/s.A.THIRUMURTHY, Advocate (SR-97874[F] dated 13/11/2019)
+1 CC to M/s.GP (SR-98391[F] dated 14/11/2019)

ORDER MADE IN
W.A. (MD)No.1229 of 2019
13.11.2019

JMN(10.12.2019) 4P : 9C

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