



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD)Nos.12144 and 12145 of 2013

and

M.P. (MD)Nos.1, 1, 2 and 2 of 2013

N.L.Thangadurai

... Petitioner in both Writ Petitions

-Vs-

1. All India Council for Technical Education (AICTE),
Represented by its Director,
4th Floor Eastern Tower,
Bhisham Pitmah Marg,
Pargati Vihar, Lodhi Road,
New Delhi-110 003.

2. Anna University,
Represented by its Registrar,
Guindy, Chennai-600 025.

3. Anna University,
Regional Centre,
Represented by its Regional Director,
Tiruchirapalli, Tiruchirapalli-620 024.

4. University College of Engineering, Ariyalur,
(Constituent College of Anna University, Chennai),
Represented by its Dean,
Kathankudi Kadu,
Thellur Post, Ariyalur District,
Ariyalur-621 704.

... Respondents in both WPs

Prayer in W.P.(MD)No.12144 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that M.Sc. (Electronics) and M.Tech (VLSI) degree is an eligible qualification for the post of Assistant Professor and consequently, direct the respondents 2 to 4 to consider the petitioner, who possesses M.Sc., (Electronics) and M.Tech (VLSI) degree to the post of Assistant Professor in the Departments of Electronics and Communication Engineering in any of the constituent colleges and affiliated colleges under the second respondent as and when applications are called for the said post.

Prayer in W.P.(MD)No.12145 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that the eligibility norms fixed in the letter having Ref.No.AUC/RCT/VF/2013 dated 14.05.2013 issued



by the third respondent for the post of Visiting Faculty as ultravires the clarification dated 10.09.2003 issued by the first respondent and Clause 7 of the Additional Information on Faculty Eligibility under the brochure dated 04.06.2013 issued by the Centre for Affiliation of Institutions, Anna University, Chennai-600 025 and consequently, direct the third and fourth respondents to consider the petitioner, who possesses M.Sc. (Electronics) and M.Tech (VLSI) degree to the post of Visiting Faculty in the Department of Electronics and Communication Engineering.

For Petitioner	: Mr.S.Karthick
(in both W.Ps.)	For M/s.Profexs Associates.
For R1, R3 & R4	: No Appearance
	(in both W.Ps.)
For R2	: Mr.K.Govinda Rajan
	(in both W.Ps.)

COMMON ORDER

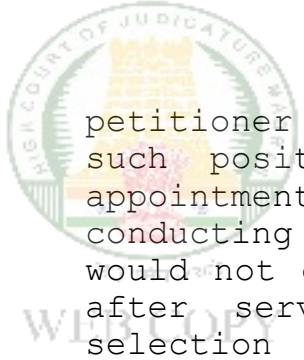
The relief sought for in the present Writ Petitions is to declare that M.Sc., (Electronics) and M.Tech., (VLSI) degree is eligible for the post of Assistant Professor and consequently, to direct the respondents 2 to 4 to consider the writ petitioner, who possesses M.Sc., (Electronics) and M.Tech., (VLSI) degree to the post of Assistant Professor in the Department of Electronics and Communication Engineering in any of the constituent colleges and affiliated colleges under the second respondent.

2.The second respondent is Anna University, represented by its Registrar.

3.All appointments to the post of Assistant Professor ought to be done strictly in accordance with rules in force. The post of Assistant Professor is to be filled up by following the procedures contemplated and through open competitive process. All eligible candidates, who are all aspiring to secure a job in public employment, must be provided with an equal opportunity, which is the Constitutional mandate. Thus, the authorities competent while undertaking process of selection should ensure that the qualification prescribed by the University Grants Commission and All India Council of Technical Education is to be followed scrupulously. The authorities competent are bound to follow the guidelines issued by the UGC and AICTE in this regard, while selecting the candidates for appointment to the post of Assistant Professor.

4.If at all the qualification of M.Sc., (Electronics) and M.Tech., (VLSI) are equivalent for the purpose of appointment as per the rules in force, the writ petitioner is at liberty to participate in the process of selection.

5.The learned counsel appearing on behalf of the second respondent brought to the notice of this Court that the writ



petitioner was permitted to conduct class as Visiting Faculty and such position would not confer any right to claim permanent appointment to the post of Assistant Professor. Undoubtedly, mere conducting class as Visiting Faculty in a College or University would not confer any right on the candidates. All candidates even after serving as Visiting Faculty should undergo process of selection and secure the appointment through open competitive process and not through the experience as Visiting Faculty.

6.This being the legal principles to be followed, the writ petitioner has to participate in the process of selection, if any recruitment notifications are issued. This Court wishes the writ petitioner to get employment on merits.

7.With these observations, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

+1 CC to M/s.PROFEDS ASSOCIATES, Advocate (SR-68152[F] dated 12/06/2019)

+1 CC to MR.K.GOVINDARAJAN, Advocate (SR-68044[F] dated 11/06/2019)

**W.P(MD)Nos.12144 and 12145 of 2013
10.06.2019**

myr

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