



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD)Nos.18755, 12054 & 13485 of 2013

and

W.P. (MD)No.519 of 2014

and

M.P. (MD)Nos.1, 1 of 2013 & 1,2,3 of 2013 and 1 & 2 of 2014

W.P. (MD)No.18755 of 2013

B.Rajesh

... Petitioner

Vs.

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

2.University Grants Commission,
Represented by its Chairman,
Bahadur Shah Jaffar Marg,
New Delhi-110 002.

3.The State of Tamil Nadu,
Represented by it's Secretary,
Department of Higher Education,
Secretariat, Chennai-600 009.

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

... Respondents

PRAYER: 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 Petitioner
<https://hcservices.ecourts.gov.in/hcservices/>
FOR R1 & R2

: Mr.T.Lajapathi Roy
: Mr.C.Nandagopal
Central Government Standing Counsel



For R3 & R4

: Mr.D.Muruganantham

Additional Government Pleader

W.P. (MD)No.12054 of 2013

S.Jasline Presilda

... Petitioner

Vs.

1.Teachers Recruitment Board,
4th Floor, EVK Sambath Buildings,
DPI Compound,
College Road,
Chennai,
represented by its Chairman.

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

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

... 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 calculate the experience of candidates who have applied for Direct Recruitment of Assistant Professors in Tamil nadu Collegiate Educational Service for Government Arts and Science colleges-2012 in respect of the 1093 vacancies on the basis of the date of completion of the exams in the UGC/CSIR/JRF/NET/SLET/SLST as per the University Grants Commission Regulations 2009 or from the date of award of Ph.D., Degree in compliance of the "University Grants Commission (minimum standards and procedure for award of Ph.D. Degree) Regulation 2009 and on taking into consideration the minimum educational qualification.

For Petitioner : Mr.R.G.Shankar Ganesh

For R1 & R2 : Mr.D.Muruganantham

Additional Government Pleader

For R3 : No appearance

W.P. (MD)No.13485 of 2013

S.Jasline Presilda

... Petitioner

Vs.

1.Teachers Recruitment Board,
4th Floor, EVK Sambath Buildings,
DPI Compound,
College Road,
Chennai,
represented by its Chairman.



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

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records of the first respondent pertaining to the prospectus dated 28.5.2013 in Notification No.4/2013 quash the same as far as the minimum educational qualification prescribed for the Ph.D., Degree holders as the same is contrary to University Grants Commission Regulations 2009, 2010 consequentially direct the first respondent to issue a corrigendum clarifying the minimum educational qualification prescribed in the prospectus dated 28.5.2013 and 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.D.Muruganantham Additional Government Pleader
For R3	: No appearance

W.P. (MD) No.519 of 2014

S.Jasline Presilda

... Petitioner

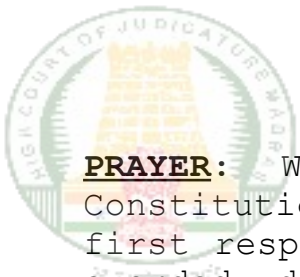
Vs.

1. Teachers Recruitment Board,
represented by its Chairman.
4th Floor, EVK Sambath Buildings,
DPI Compound,
College Road,
Chennai.

2. 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 award one mark in addition to 5 marks already awarded during the stage-I certificate verification held on 26.11.2013 in par with other candidates who have completed M.Phil degree in Distance Education mode along with SLET/NET/on the basis of the circulars dated 5.5.2004, 14.10.2013 in UGC Letter F1 No.52/2000 (CPP-II) and F.No.UGC/DEB/2013 issued by the third respondent in regard to the Direct Recruitment of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts and Science colleges-2012.

For Petitioner : Mr.R.G.Shankar Ganesh
 For R1 & R2 : Mr.D.Muruganantham
 Additional Government Pleader
 For R3 : B.Vijay Karthikeyan

COMMON ORDER

The reliefs sought for in these writ petitions are 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 the eligibility criteria for appointment to the post of Assistant Professor.

2. The grievances of the writ petitioners are that the respondents 3 and 4, 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 petitioners are constrained to file the present writ petitions.

3.This Court is of the considered opinion that the grievances expressed by the writ petitioners are 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, 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 respondents 3 and 4 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 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, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-II)

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To

1. The Secretary to India,
Higher Education Department,
Ministry of Human Resource Development,
Shastri Bhavan,
New Delhi-110 001.

2. University Grants Commission,
Represented by its Chairman,
Bahadur Shah Jaffar Marg,
New Delhi-110 002.

3. The Secretary Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Chennai-600 009.

4. Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road.
Chennai.

5. Director of Collegiate Education,
9th Floor,
EVK Sampath Buildings,
College Road,
Chennai-600 006.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-70894[F] dated 24/06/2019)

+1 CC to SPL GP (SR-70958[F] dated 24/06/2019)

+4 CC to Mr.R.G.SHANKAR GANESH, Advocate
SR-71200, SR-71201, SR-71202, SR-71199

W.P. (MD) Nos. 18755, 12054 & 13485 of 2013

and

W.P. (MD) No. 519 of 2014

21.06.2019

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