

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.1612 of 2020

and

WMP No. 1891 of 2020

Manoj Prabhakar, S.

... Petitioner

-Vs-

1. The Chairman
Teacher's Recruitment Board,
College Road, Chennai 600 006

2. The University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi 110 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, or any other appropriate Writ or Order or Direction, in the nature of Writ, calling for records relating to Notification No.12/2019 dated 28.08.2019 and 04.10.2019 to quash the same to the extent of Clause 2(c) of Sl. No.63 relating to earmarking of vacancies for Visual Communication as per the requirement of Educational Qualification at Clause 6(b) without insisting possession of a pass in NET/SLET/SET/SLST/CSIR/JRF as per UGC norms in the relevant subject and to consequently direct the respondents to select and appoint without insisting NET/SLET/SET/SLST/CSIR/JRF forthwith thereto and to extend all benefits.

For Petitioner : Mr. L. Chandrakumar

For Respondents: Mr. C. Munusamy

Special Government Pleader for R1

ORDER

This Writ Petition has been filed challenging the notification issued by the Teachers Recruitment Board insisting for passing NET/SLET as per the UGC norms to enable a candidate to participate in the selection to the post of Assistant Professors under the category of Visual Communication.

2. The learned Counsel for the petitioner submitted that insofar as Visual Communication is concerned, there is no NET/SLET that is conducted and, therefore, clearing of NET/SLET will not apply to those candidates who are participating under the category of Visual Communication. The learned Counsel further submitted that as per the notification, under the Educational qualifications, a pass in the NET/SLET has been made compulsory and for that purpose, the Teachers Recruitment Board is relying upon the UGC norms in the relevant subject.

3. The learned counsel further brought to the notice of this Court the UGC norms, which clearly, by its notification dated 18.07.2018, states that clearing of NET/SLET shall not be required for candidates in such disciplines where NET/SLET is not conducted for those disciplines.

4. The learned Government Advocate, on instructions, submitted that there is no NET/SLET conducted insofar as Visual Communication is concerned. However, the learned counsel submitted that the Teachers Recruitment Board cannot create any exemption with regard to the same and they are bound by the requirements that have been fixed by the Government.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. It is clear from the Educational qualifications that have been prescribed in the notification that a pass in the Post Graduate Degree in the relevant subject with minimum of 55 marks and a pass in the NET/SLET as per UGC norms in the relevant subject has been made mandatory. This educational qualification will equally apply to all the faculties for which the application has been called for to fill up the post of Assistant Professors. The petitioner is not in a position to participate in the selection since for Visual Communication no NET/SLET is conducted. That apart, even as per the notification of the University Grants Commission dated 18.07.2018, clearing of NET/SLET is not required for candidates in such disciplines for which NET/SLET is not conducted.

7. In view of the above, the Teachers Recruitment Board cannot insist for clearing of NET/SLET for candidates who are participating in the selection under the faculty of Visual Communication. Their candidature will have to be independently considered without insisting for NET/SLET. If the same is not done, it will cause unnecessary hardship to the candidates and the notification itself will run contrary to the UGC Regulations.

8. In view of the above discussions, there shall be a direction to the respondent to entertain the application submitted by those candidates falling under the faculty of Visual Communication without insisting for a pass in NET/SLET

and to proceed further with the selection after satisfying all the other requirements that are stipulated under the notification.

9. The respondent is directed to issue a fresh notification by extending the period for receipt of applications insofar as candidates falling under the faculty of Visual Communication, by two weeks. This will enable all the candidates falling under this faculty to submit their application and participate in the selection.

10. The petitioner is directed to submit the application to the respondent within a period of one week from the date of receipt of copy of this order and the respondent shall entertain the same.

11. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

bga
To

1. The Chairman
Teacher's Recruitment Board,
College Road, Chennai 600 006
2. The University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi 110 002.

+1 CC to Mr.L. Chandrakumar, Advocate sr 9589.

+1 CC to Govt. Pleader sr 10438.

W.P.NO.1612 of 2020

WEB COPY

RR(CO)
SP(11/02/2020)