

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.13121 of 2010 and M.P.No.2 of 2010
and
W.P.No.12422 of 2010 and M.P.No.2 of 2010

Dr.D.Priya Petitioner in W.P.No.13121 of 2010

Dr.G.Krishnakumari Petitioner in W.P.No.12422 of 2010

.vs.

1. The State of Tamil Nadu,
rep. by the Secretary,
Higher Education Department,
Fort St.George, Chennai - 9.
 2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
 3. The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai - 600 006.
 4. The Secretary,
University Grants Commission,
Bagadhur Shah Marg,
New Delhi - 2.
- ... Respondents in both W.Ps.

Common Prayer: These Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records relating to G.O.Ms.No.412 Higher Educational (F2) Department dated 07.12.2009 of the 1st respondent and the Advt.No.4/2010, dated 29.03.2010 of the 3rd respondent, in so far as it prescribes weightage of 15 marks towards teaching experience is concerned and to quash the same and consequently direct the Respondents 1 to 4 to consider the claim of the Petitioner on merits and without reference to teaching experience for the post of Assistant Professor (Tamil).

For Petitioner
in both W.Ps. : Mr.L.Chandrakumar

For Respondents
1 & 2 in both W.Ps.: Mr.S.Karthigaibalan,
Government Advocate

For 3rd Respondent
in both W.Ps. : Mr.C.Munusamy,
Spl. Govt. Pleader

For 4th Respondent
in both W.Ps. : Mr.P.R.Gopinathan

C O M M O N O R D E R

Petitioners have come up with the present Writ Petitions challenging the proceedings of the 1st Respondent vide G.O.Ms.No.412 Higher Educational (F2) Department, dated 07.12.2009 and Advertisement No.4/2010, dated 29.03.2010 of the 3rd respondent, in so far as it prescribes weightage of 15 marks towards teaching experience is concerned and for a consequential direction to Respondents 1 to 4 to consider their claim on merits and without reference to teaching experience for the post of Assistant Professor (Tamil).

2. Heard the learned counsel for the parties and perused the material documents available on record.

3. When the matter was taken up for hearing, learned counsel appearing for the 4th Respondent submitted that, in a similar circumstance, this Court, in W.P.No.8581 of 2010, by an order dated 26.04.2010, dismissed the said Writ Petition. Relevant portion of the said order is extracted hereunder:

"6. The mark awarded for teaching experience is based on objection criteria and not left to the discretion of the selecting authority. While the petitioner has no quarrel over the quantum of marks given to educational qualification of candidates, but only concerned about the additional marks given to teaching experience. In the absence of any concrete data, the Court cannot come to a conclusion that all the persons, who are having number of years of experience will automatically get selected in the selection process. As stated earlier, it is only in a case where a Teacher

has got 8 years' of teaching experience he is likely to get the maximum 15 marks under that head.

7. It cannot be said that the level playing field is affected since advance notice has been given by the Government regarding its selection. It is only in cases where the norms for awarding marks are not published well in advance before the notification and it subsequently the interview board or selection committee creates a new norm, unknown to the applicant, the courts have nullified such exercise and struck down illegal awarding of marks. When the Government which by its order indicated the award of marks under various heads and is based upon objective criteria, the question of prescription of marks regarding teaching experience cannot be said to be violative of Articles 14 and 16 of the Constitution.

8. In the light of the same, the Writ Petition stands dismissed. No costs. The connected Miscellaneous Petition stands closed."

4. In the light of the above decision, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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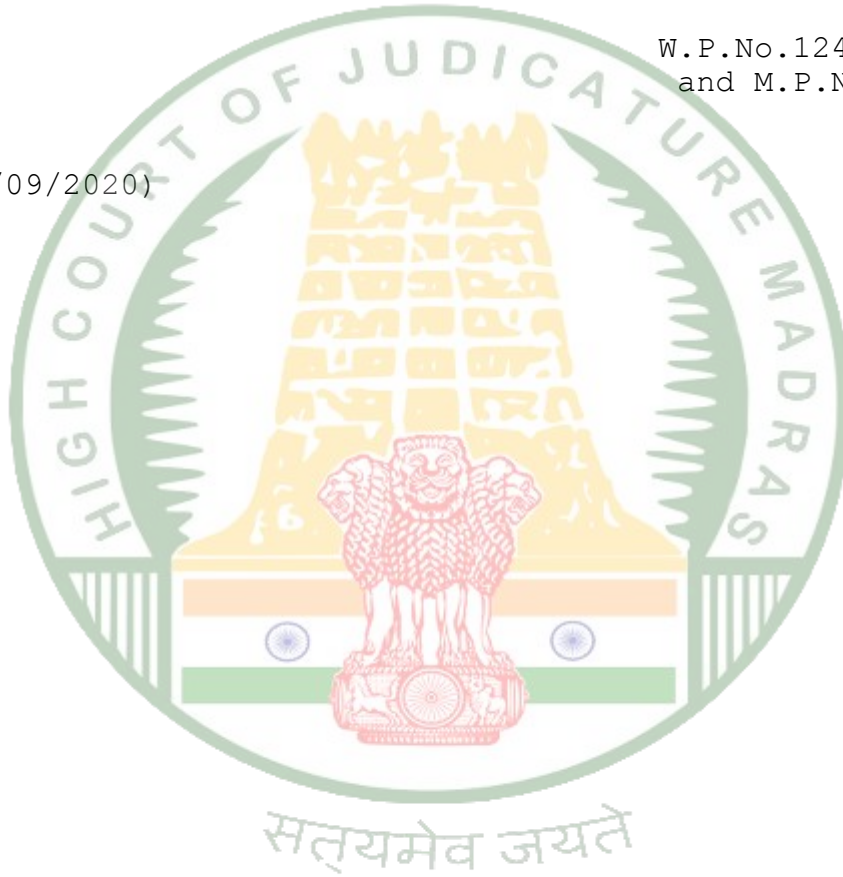
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+2cc to the Government Pleader, Sr.No.26114 & 26115

W.P.No.13121 of 2010
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