

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.30572 of 2012 and
M.P.No.1 of 2012

M.Mangai

... Petitioner

Vs

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

2. Directorate of Technical Education,
Chennai-600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to appoint the petitioner as Assistant Professor (Computer Science Engineering) in anyone of the Government Engineering College functioning under the 2nd respondent.

For Petitioner : Mr.S.Sethuraman
for K.T.S.Sivakumar

For Respondents : Mrs.P.Kavitha,
Government Advocate

सत्यमेव जयते
O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to appoint the petitioner as Assistant Professor (Computer Science Engineering) in anyone of the Government Engineering Colleges functioning under the 2nd respondent.

2. Learned Counsel for the petitioner submitted that the petitioner completed her M.Tech. in Computer Science Engineering with 81% in Dr.M.G.R. Educational and Research Institute during 2005 and B.E. in Electrical and Electronics with 75% (distinction) in R.V.S. College of Engineering and Technology during 2003 and MBA in Human Resource in Madurai Kamaraj University during 2010. While so, she applied for the post of Assistant Processor (Engineering/Non-Engineering) in

Computer Science Engineering in response to the Notification/Advertisement No.1/2012 dated 11.02.2012 inviting applications for Direct Recruitment for the post of Assistant Professor (Engineering/Non-Engineering) in the Government Engineering Colleges in Tamil Nadu for the year 2012. When the written examination was fixed on 08.04.2012, subsequently, it was postponed to 22.04.2012. In the said Notification/advertisement, the required educational qualification for Assistant Professor in Engineering Subject was given as B.E. or B.Tech. and M.E. or M.Tech in the relevant branch of engineering or technology with First Class or its equivalent.

3. The learned Counsel for the petitioner further submitted that since the petitioner has got the requisite qualification, she applied for the post of Assistant Engineer and the hall ticket was also given to her. The petitioner undertook the examination in Theyagaraya Model Higher Secondary School, Madurai on 22.04.2012 between 10.00 a.m. and 1.00 p.m. Thereafter, on 08.07.2012, the 1st respondent released a tentative list of candidates in which the petitioner was called for certificate verification. As per the tentative list, she was placed at Sl.No.13 with respect of Computer Science Engineering Subject since she has secured 13th rank by securing 114 marks in the examination conducted by the 1st respondent. The petitioner took part in the certificate verification and produced the relevant certificates on 21.07.2012 at Egmore, Chennai. The final list was published on 18.10.2012 in which the name of the petitioner was not found. On enquiry, it was found that some of the provisionally selected candidates have secured the marks lesser than the petitioner. Therefore, she has advised to approach this Court.

4. The learned Counsel for the petitioner also submitted that when the advertisement/Notification dated 11.02.2012 issued by the 1st respondent clearly gives the education qualification in para 4(B) (i), the petitioner has qualified. The petitioner has possessed requisite qualification. Therefore, the 1st respondent also invited the petitioner to take part in the Certificate Verification, after the written examination was over. But finally rejecting her candidature without giving appointment is unfair and unsustainable. Therefore, the writ petition be allowed, it is pleaded.

5. A detailed counter affidavit has been filed by the 1st respondent.

6. Learned Government Advocate appearing for the respondents submitted that when the Notification/Advertisement dated 11.02.2012 clearly mentions in para 4(B)(i) that the

candidates should possess B.E. or B.Tech. and M.E. or M.Tech in the relevant branch of Engineering or Technology with first class or its equivalent either in B.E. or B.Tech. or M.E. or M.Tech., the petitioner has not possessed B.E. in Computer Science. Moreover, the Commissioner of Technical Education in his Letter No.36978/A2/2012 dated 15.09.2012 addressed to the Teachers Recruitment Board clarified in Annexure-I at Page No.3 that B.E. in Electrical and Electronics Engineering is not related to B.E. in Computer Science Engineering and B.E. in E.E.E. is not a requisite qualification for the purpose of appointment as Assistant Professor in Computer Science Engineering in Government Engineering Colleges. Therefore, when the petitioner is found not possessing the requisite qualification, she has not been selected.

7. Considering the submissions made on either side. I have also perused the materials available on record carefully.

8. At the outset, it is relevant to extract paragraph 4(B)(i) of the advertisement/Notification dated 11.02.2012 here under:

''4 Qualifications:

(B) Educational Qualification:

(i) Assistant Professor in Engineering Subjects: Candidates should possess the following qualifications on the date of Notification viz. 11.02.2012.

B.E. or B.Tech and M.E. or M.Tech. in the relevant branch of Engineering or Technology with First Class or its equivalent either in B.E. or B.Tech. or M.E. or M.Tech.''

A perusal of the above clearly shows that the petitioner, admittedly, has not possessed B.E. in Computer Science whereas the petitioner has got B.E. Degree only in Electrical and Electronics Engineering. Therefore, the petitioner was rightly found ineligible and was not selected for appointment as Assistant Professor in Computer Science Engineering to be appointed in Government Engineering Colleges. As such, I find no merit in the writ petition.

9. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.
2. Directorate of Technical Education,
Chennai-600 025.

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.20191
+1cc to the Government Pleader, S.R.No.21163

W.P.No.30572 of 2012

BS (CO)
RSI (22/05/2020)



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