

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.383 of 2020

Dr.M.Palaniyandi

.. Appellant

-vs-

1. The Secretary,
Dept. of Higher Education,
Govt. of India, Sasthri Bhavan,
New Delhi - 110 001.
2. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.
3. The Registrar,
Central University of Tamil Nadu,
Neelakudi Campus, Thiruvarur - 610 005.
4. Chairman, Recruitment Committee,
Central University of Tamil Nadu,
Neelakudi Campus, Thiruvarur - 610 005.
5. Dr.V.Saravanabhavan
6. Dr.K.Balasubramani
7. Dr.P.Masilamani
8. Dr.K.Nageswara Rao
9. Dr.S.Vadivel
- 10.Dr.K.Banukumar
- 11.Dr.D.Yuvaraj

.. Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order dated 04.12.2019 passed in W.P.No.33524 of 2019 on the file of this Court.

Prayer in WP No.33524 of 2019:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd

respondent passed in proceedings 7-116/2019-Estt/709 dated 15.11.2019 and quash the same and consequently direct the respondents 1 to 4 include the petitioner in the selection list in the first place as petitioner's Academic Performance Index (API of UGC) is 722 points.

For Appellant : Mr.T.M.Madasamy
For Respondents : Ms.Maimoosa Badsha
3 and 4

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant and the learned counsel for respondents 3 and 4.

2. We had adjourned the matter in order to clear our doubt with regard to the claim of equivalence of the qualification possessed by the appellant, as recorded in our order dated 24.7.2020.

3. Learned counsel for the appellant contends that the appellant is possessed of the experience as well as the academic qualification of Ph.D. and, therefore, such a qualification being possessed on the last date of receipt of the application, as required under the advertisement, could not have been ignored and the candidature of the appellant could not have been treated to be that of an ineligible candidate.

4. Learned counsel for respondents 3 and 4, Ms.Maimoosa, has invited the attention of the Court to paragraph 4.1 (II), which is the qualification prescribed for the post in question, namely that of Associate Professor, and the same is extracted herein under:

"4.1 For the Disciplines of Arts, Commerce, Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science, Physical Education, and Journalism & Mass Communication.

.....

II. Associate Professor:

Eligibility:

- i) A good academic record, with a Ph.D. Degree in the concerned/allied/relevant disciplines.
- ii) A Master's Degree with at least 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed).
- iii) A minimum of eight years of experience of teaching and/or research in an academic/ research

position equivalent to that of Assistant Professor in a University, College or Accredited Research Institution/industry with a minimum of seven publications in the peer-reviewed or UGC-listed journals and a total research score of Seventy five (75) as per the criteria given in Appendix II, Table 2."

5. It has then been pointed out that the said qualification is in tune with the qualification prescribed under Clause 10(a) of the University Grants Commission Regulations, 2018. It is also pointed out that the norms of the University Grants Commission for the post of Assistant Professor clearly prescribe the possession of a Post Graduation with a NET clearance or a Ph.D. Degree. The post of Associate Professor, in turn, requires eight years of experience of teaching equivalent to that of Assistant Professor. The submission, therefore, is that the experience of an Assistant Professor means one who has been appointed as an Assistant Professor, possessing the minimum qualification of Ph.D. Consequently, an experience of eight years as an Assistant Professor is required, which would be treated as equivalent and, therefore, there is no ambiguity in the qualification which is prescribed, which essentially is experience after acquiring a Ph.D. Degree.

6. Learned counsel for respondents 3 and 4 invited the attention of the Court to paragraphs (6) and (10) of the impugned judgment to substantiate her submissions.

7. It is admitted on record that the appellant acquired the Ph.D. Degree only on 21.5.2019. It is not the case of the appellant that he had worked as an Assistant Professor after acquiring Ph.D. Degree for eight years. His case is that whatever experience has already been acquired by him while working on the post of a Technical Officer, as described in the petition, was sufficient and equivalent to the experience as required.

8. We are unable to agree with this proposition, in as much as the experience required is equivalent to that of an Assistant Professor, which leaves no room for any doubt that an Assistant Professor having been appointed on the basis of the qualifications prescribed, which includes necessarily a Ph.D. Degree, and only then the eight years experience of such equivalence can be counted for the purpose of eligibility. The conclusion, therefore, drawn by the learned Single Judge and the arguments advanced on behalf of learned counsel for respondents 3 and 4 does not suffer from any infirmity, much less a legal infirmity.

The appeal lacks merit and is, accordingly, rejected. No costs. Consequently, C.M.P.No.6340 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

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4. The Chairman, Recruitment Committee,
Central University of Tamil Nadu,
Neelakudi Campus, Thiruvarur - 610 005.

+1cc to M/s.Maimoona Badsha, Advocate, Sr.No.29055

W.A.No.383 of 2020

vsn ii (co)
rr ii (21/10/2020)

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