

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.32219 of 2019
and
WMP.Nos.32507 & 32508 of 2019

Lakshminarayanan

...Petitioner

v.

1.The Director,
Department of Higher Education,
O/o. The Director of Collegiate Education,
9th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

2.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai-600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the UGC-NET qualification in Management as equivalence subject for Corporate Secretaryship.

For Petitioner : Mr.K.S.Jeyaganeshan

For Respondent-1: Mrs.V.Annalakshmi, GA

For Respondent-2: Mr.C.Munusamy, Spl. GP

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O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the second respondent to consider the UGC-NET qualification in Management as equivalence subject for Corporate Secretaryship.

2.The case of the petitioner is that he has completed M.A. Corporate Secretaryship from Alagappa University during the year 1993-1995. Thereafter, the petitioner has completed M.Phil from the same university in the stream of Corporate Secretaryship in the year 2005. According to the petitioner, the Corporate Secretaryship mainly consists of subjects covering Commerce and Management. The petitioner has also cleared NET for Lectureship in UGC during the year 2012 in the subject of Management. According to the petitioner, for corporate Secretaryship, there is no NET or SLET.

3.The second respondent has called for applications for direct recruitment to the post of Assistant Professors. In the said Notification, 25 vacancies are shown under the subject of Corporate Secretaryship. The petitioner had applied for the said post. The candidature of the petitioner was not considered since he did not have a NET or SLET for Corporate Secretaryship and his papers were not countersigned. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4.Mr.Jeyaganeshan, learned counsel appearing on behalf of the petitioner submitted that there is no NET/SLET for Corporate Secretaryship and the only NET is available for the subject of Management. The learned counsel submitted that the subject of Management covers Corporate Secretaryship and in fact, the qualification that is possessed by the petitioner specifically covers the subject of Corporate Secretaryship.

5.The learned counsel further submitted that the Notification itself has provided for equivalence in various subjects covering nearly 228 subjects and there is absolutely no clause which has covered the Corporate Secretaryship and there is no mention regarding the equivalence subject. The learned counsel submitted that the respondents must be directed to consider the candidature of the petitioner as fulfilling the qualifications of Corporate Secretaryship.

6.Per Contra, Mrs.V.Annalakshmi, learned counsel appearing on behalf of the respondents submitted that the Notification itself has prescribed the minimum qualification to be considered for the post of Assistant Professors. The Notification specifically prescribes that the candidates must possess a Master Degree or equivalence subject with 55% marks and a NET/SLET in the relevant branch of study or must possess a Ph.D., in the relevant branch. The learned counsel submitted that the petitioner did not possess a NET/SLET in the relevant branch and therefore, his candidature cannot be considered for

selection. The learned counsel further submitted that even as per the notification, if any candidate claims that his or her subject is equivalent to one of the subject notified, it is the responsibility of the candidate to get the equivalence of subject by way of a Government Order (G.O.) from the Higher Education Department. The learned counsel submitted that the G.O. should be prior to the last date of the Online application form and failure to obtain such a G.O. will make the candidate ineligible for being considered for appointment to the respective post. The learned counsel also produced the written instructions from the respondents to the effect that since the petitioner has not possessed the NET/SLET qualification in the relevant branch, he cannot apply through the online mode and his online application was not accepted. The learned counsel submitted that till now no candidate has been permitted to participate without possessing the NET/SLET in Corporate Secretaryship.

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

8.This Court is not an expert to render a verdict regarding equivalence of subjects. It has to be done only by an Expert Committee and the notification itself prescribes the manner in which the G.O. must be given by the Higher Education Department regarding equivalence of subjects. It is the specific case of the respondents that no one who has not obtained NET/SLET in Corporate Secretaryship, has been considered for the candidature. In such an event, 25 vacancies that has been notified against Corporate Secretaryship will go unfilled. It is the specific case of the petitioner that there is no NET/SLET for Corporate Secretaryship and what is available is only NET/SLET in the subject of Management, which also covers Corporate Secretaryship.

9.In view of the above, the only option that is available to the second respondent is to fill up the post with a candidate who has completed Ph.D., in the relevant branch apart from Master Degree with 55% marks. This is obviously going to result in not filling up most of the vacancies in the subject of Corporate Secretaryship.

10.The above discussion only leads to the conclusion that either the petitioner has to approach the appropriate authorities claiming for equivalence of NET in the subject of Management to that of Corporate Secretaryship or the second respondent will have to do the said exercise and bring more clarity in the next notification so that the post of the

Assistant Professors under the subject of Corporate Secretaryship does not go unfilled due to lack of clarity. Except making these observations, no further orders can be passed in this Writ Petition.

11.The Writ Petition is disposed of with the above observations. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP

To

1.The Director,
Department of Higher Education,
O/o. The Director of Collegiate Education,
9th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

2.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai-600 006.

+1cc to Mr.K.S.Jeyaganeshan, Advocate sr.1405
+1cc to Government Pleader SR.NO. 1926

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