



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.3170 of 2014

and

M.P(MD) .Nos.1 to 3 of 2014

S.P.Vanjulavalli

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Fort St.George,
Chennai-09.

2.The Director of Collegiate Education,
Chennai-600 006.

3.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-06.

4.The Secretary,
University Grant Commission,
Bahadur Shah Zafar Marg,
New Delhi.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order G.O(MD).No.91 dated 03.04.2009 on the file of the Respondent No.1 and the note in page Number 7 in prospectus on the file of respondent No.3 quash the same as illegal and consequently, to direct the respondent Nos.2 and 3 to award marks for the petitioner's experience and part time Course in Ph.D degree and rearrange the petitioners candidature in merit list and consequently provide appointment to the petitioner in the post of Assistant Professor in English based on the merits within the time stipulated by this Court.

For Petitioner	: Mr.G.Karthik
For R1 & R2	: Mrs.S.Srimathi Special Government Pleader
For R3	: Mr.V.R.Shanmuganathan
For R4	: Mr.B.Vijay Karthikeyan



ORDER

The relief sought for in the present writ petition is to quash the G.O.Ms.No.91, dated 03.04.2009 and direct the respondents 2 and 3 to award marks for the petitioner's experience and part time Course in Ph.D degree and rearrange the petitioner's candidature in merit list and appoint him to the post of Assistant Professor in English.

2.The learned counsel appearing for the petitioner contended that the petitioner is entitled to get marks for M.Phil course. However, as per G.O.Ms.No.91, the respondents have not granted marks and the petitioner is deprived of getting an opportunity of appointment.

3.The learned appearing on behalf of the third and fourth respondents mainly contended that the recruitment notification which was issued in the year 2013, clearly stipulates that *"the M.Phil degree obtained through Distance mode/Correspondence will not be eligible for any weightage marks. (as per G.O.Ms.No.91 Higher Education (K2) Department, dated 03.04.2009)"*

4.When the conditions had been clearly stated in the recruitment notification itself, the candidates including the petitioner was aware of the conditions and participated in the process of selection, after the petitioner was unsuccessful, she has chosen to challenge the Government Order, such writ petition cannot be entertained and the Apex Court of India in clear terms held that once the candidates accepted the terms and conditions and participated in the process of selection thereafter, they cannot challenge the conditions imposed in the recruitment. In the present case, M.Phil degree obtained through Distance mode/Correspondence will not be eligible for any weightage marks. When the petitioner is accepted the conditions and participated in the selection of process, after her non-selection, she cannot challenge the said Government Order and the Courts could not entertain such writ petition. Accordingly, this Writ Petition deserves no merits and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary,
Department of Higher Education,
Fort St.George,
Chennai-09.

2.The Director of Collegiate Education,
Chennai-600 006.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-24533[F] dated
09/12/2020)

+1 CC to M/s.B.VIYAJ KARTHIKEYAN, Advocate (SR-24515[F] dated
08/12/2020)

+1 CC to M/s.GP (SR-24916[F] dated 10/12/2020)

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and

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ARK (CO)

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