



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.17836 of 2014

and

M.P (MD) .Nos.1 & 2 of 2014

and

W.M.P (MD) .No.18550 of 2017

Dr.R.Uthayakumar

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Principal Secretary,
Department of Collegiate 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.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.2 and 3 to award marks for the petitioner's teaching experience from 14.06.2006 to 15.05.2009 with the qualification of M.Com., and M.Phil in Corporate Secretaryship as per the Corrigendum issued to Notification No.04/2013 dated 28.05.2013 published by the respondent No.3 and accordingly, to appoint the petitioner in the post of Assistant Professor in Commerce within the time stipulated by this Court.

For Petitioner	: Mr.G.Karthick for M/s.T.Lajapathi Roy
For R1 & R2	: Mr.D.Muruganandam Additional Government Pleader
For R3	: Mr.AL.Kannan

ORDER

The relief sought for in the present writ petition is to direct to the respondents 2 and 3 to award marks for the petitioner's teaching experience from 14.06.2006 to 15.05.2009 with the qualification of M.Com., and M.Phil in Corporate Secretaryship, as per the Corrigendum issued in Notification No.04/2013 dated 28.05.2013 published by the third respondent and appoint the petitioner in the post of Assistant Professor in



2.The selection for appointment to the post of Assistant Professor was notified. The writ petitioner participated in the process of selection. However, he was not selected and appointed.

3.The grievance of the writ petitioner is that the service experience acquired by him from the year 2006 to 2009 and not been taken into account for the purpose of awarding marks. Therefore, he could not able to get selection and constrained to move the present writ petition.

4.The learned counsel appearing on behalf of the respondents/Teacher Recruitment Board brought to the notice of this Court that the writ petitioner has competed Ph.D., Degree only during the year 2009. Therefore, teaching experience acquired subsequently alone is to be considered for award of marks, as per the rules in force. Thus, the teaching experience as claimed by the writ petitioner from 2006 cannot be taken into account for grant of marks. The said position is clarified in the counter affidavit, more specifically, in paragraph Nos.4 and 5, which are extracted hereunder:

"4.It is submitted that after issue of notification, one individual has filed a petition in W.P.No.18186 of 2013 before the Hon'ble High Court Madras, seeking direction to the Teachers Recruitment Board to mention the relevant point of time that can be considered for awarding weightage marks for Teaching Experience. As per the direction of the Hon'ble Court, the Board issued Corrigendum-III on 2.8.2013 informing the candidates the yardstick for awarding marks for the teaching experience as detailed below:

Sl.No.	Date	Qualification prescribed by UGC for appointment of Lecturers in College/Universities
1.	Before 1991	P.G.with 50% minimum marks
2.	19.09.1991	P.G.with 55% minimum marks with pass NET/SLET
3.	1993	P.G.with 55% minimum marks with NET/SLET
4.	31.07.2002	P.G.with 55% marks with NET/SLET. Exemption for Ph.D., dissertation submitted before 31.12.2002
5.	14.06.2006	P.Gwith 5% minimum marks with NET/SLET. Exemption for M.Phil for taking U.G., class & Ph.D., for taking P.G.Class
6.	30.06.2020	P.G.with 55% minimum marks with NET/SLET. Exemption only for Ph.D., holders.



5.It is submitted that the petitioner Dr.R.Uthayakumar was one among the candidates applied for the post of Assistant Professor in Commerce. He was called for certificate verification on 25.11.2013. At the time of certificate verification, it was found that he was in possession of the following qualification.

PG (M.Com)	-	4/1992
M.Phil(Corporate Secretary ship)	-	2/2001
Ph.D., Commerce	-	5/2009
SLET Commerce	-	10/2012

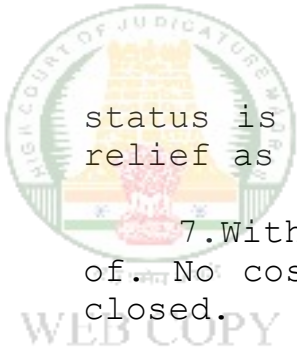
During certificate verification, he produced the teaching experience for the period from 23.06.2005 to 05.07.2013, a total period of 8 years. While calculating weightage marks for the teaching experience, the following period has been found in eligible for awarding weightage marks as he did not possess requisite qualification during that period.

He possess Ph.D., degree in 5/2009 and hence, the period from 2009-2010, 2010-2011, 2011-2012 and 2012-2013 has been counted for awarding weightage marks and he was awarded 8 marks for the total period of 4 years. He was awarded 9 marks for the Educational Qualification. The total marks scored by him is 9+8=17 marks. He belongs to B.C community, while the Board shortlisted candidates at the ratio of 1:5 for interview, the cut off marks for the Backward Class (General) communal turn is 23 marks for the subject commerce. Since the petitioner scored only 17 marks, he could not be called for interview. The weightage marks awarded to the petitioner for the Teaching experience is in order and as per the orders in force.

In view of the circumstances stated above, it is humbly prayed that the Hon'ble Court may be pleased to vacate the interim orders passed in M.P(MD).Nos.1 and 2 of 2014 dated 06.11.2014 to keep one post vacant and also dismiss the above W.P(MD)No.17836 of 2014 as devoid of merit and thus render justice."

5.This apart, the notification for selection was published on 28.05.2013 inviting applications from eligible candidates. The process of selection was completed and the candidates selected and appointed 7 years back. This being the factum, the case of the writ petitioner, this length of time, cannot be considered, as he is not entitled for awarding of marks with reference to the teaching experience acquired by him during the year 2006 onwards.

6.This being the factum, the petitioner is at liberty to participate in the next selection process if any notified and his



status is to be considered with reference to the rules. Thus, the relief as such sought for cannot be granted.

7. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

Ns

To

1. The Principal Secretary,
Department of Collegiate 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.

+1 CC to SGP (SR-20530[F] dated 19/10/2020)

+1 CC to Mr. T. LAJAPATHI ROY, Advocate (SR-20596[F] dated 20/10/2020)

W.P. (MD) No. 17836 of 2014

and

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and

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VR (CO)

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