



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.1860 of 2014

and

M.P(MD).No.1 of 2014

R.Mala

... Petitioner

-Vs-

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-6

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to award marks to the petitioner for teaching experience as per the Clause 13 of the Notification/Advertisement No.04/2013 dated 28.05.2013 by the respondent and the corrigendum issued by the respondent dated 02.08.2013 for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges 2012 from the year of completion of M.Phil degree by the petitioner through distance education mode.

For Petitioner : Mr.B.Saravanan

For Respondent : No appearance

ORDER

The relief sought for in the present writ petition is to direct the respondent to award marks to the petitioner for teaching experience as per the Clause 13 of the Notification No.04/2013, dated 28.05.2013 by the respondent and the corrigendum issued by the respondent, dated 02.08.2013 for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Educational Service in the year 2012.

2.The grievance of the writ petitioner is that, she participated in the process of selection for appointment to the post of Assistant Professor. The petitioner raised a doubt that the marks were not granted for teaching experience. Therefore, she has filed the present writ petition.



3.The counter filed by the Member-Secretary, Teachers Recruitment Board, Chennai reveals that the educational qualification prescribed for the post of Assistant Professor, which reads as follows:

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"All candidates other than SC/ST: pass in Post Graduate degree in the relevant subject with a minimum of 55% marks and a pass in the UGC/CSIR/JRF/NET/SLET/SLST as per U.G.C.norms in the relevant subject

(or)

Pass in Post Graduate degree in the relevant subject with a minimum of 55% marks and Ph.D., in the relevant subject.

5.It is submitted that according to G.O.Ms.No.412 Higher Education (F2) Department dated 04.12.2009, Government Letter No.20575A/F2/2011 dated 27.06.2012 and G.O.Ms.No.32 Higher Education (F2) Department dated 08.03.2013 the weightage marks is awarded for the following:

1.	For Teaching experience in Universities/Government/Aided College/Self financing Colleges in the approved post including the Teaching Experience (in the relevant subject) of the candidates in Medical/Engineering/Law College. (2 Marks for each year subject to a maximum of 15 marks)	Maximum	
		15 marks	
Qualification			
2	(a) For Ph.D., in concerned subject	9marks	9marks
	(b) For M.Phil with SLET/NET	6 Marks	
	(c) For PG&SLET/NET	5 Marks	
3.	Interview	10 Marks	
Total			34 Marks

NOTE: 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)



6.It is submitted that the writ petitioner R.Mala was one among the candidates applied for the post of Assistant Professor in Computer Science. She was called for certificate verification. At the time of certificate verification, it was found that she passed M.C.A., in the year 1998 and M.Phil degree in 2005 through Distance Education. She has completed Ph.D., in November 2012.

7.It is further submitted that in the G.O.Ms.No.91 Higher Education dated 03.04.2009 it has been ordered that the M.Phil and Ph.D., degree obtained through Correspondence/Distance Education/Open University System are ineligible for Government Appointments and appointment in Colleges/Universities including self-financing colleges.

Further, Government in their letter No.12258 A/F2/2013-10 Higher Education (F2) Department, dated 27.11.2013 has also clarified that based on the G.O. (Ms).No.91, dated 03.04.2009, weightage of marks for teaching experience for the candidates who obtained M.Phil and Ph.d., through Open University System/Distance Education/Correspondent does not arise."

4.The writ petitioner viz., R.Mala completed her M.Phil degree through Distance Education and not possess NET/SLET qualification and finished her Ph.D., degree only in November-2012, her teaching experience for awarding weightage of marks will be considered only after November-2012 (after completion of Ph.D., degree).

5.This being the factum established, the writ petitioner is not entitled for the relief as such sought for in the present writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2020

Sub Assistant Registrar(CS)

rmk



TO

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-6

W.P. (MD) .No.1860 of 2014
23.11.2020

SR (CO)
TR (03.12.2020) 4P 2C