



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.Nos.4791 of 2011 and 10573 of 2012

&

M.P.Nos.1,2 of 2011 and 1, of 2012

W.P.No.4791 of 2011

Dr.S.Jagan Mohan

.. Petitioner

Vs.

1. The Chairman
The Teachers Recruitment Board
4th floor, EVK Sampath Maligai
DPI Compund, College Road
Chennai-600 006

2.The Chairman
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi-110 002

3.The Director
Department of Higher Education
Office of the Director of Collegiate Education
9th floor, EVK Sampath Maligai
DPI Compund, College Road
Chennai-600 006

4.Dr.G.Dalmin

5.Dr.R.Krishnamurthy

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent pertaining to the selection of the fourth and fifth respondents dated 17.02.2011 for the post of Assistant Professor for the subject Aquaculture and quash the same and consequently direct the respondents 1 to 3 to consider and select the petitioner herein for the post of Assistant Professor for the subject Aquaculture being the qualified and eligible candidate with salary and all other attendants, benefits including security from the date of publication of the provisionally selection list i.e 17.02.2011.



W.P.No.10573 of 2012

A.Kannan

.. Petitioner

Vs.

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1.State of Tamil Nadu
rep. By the Secretary to Government
Higher Education (G1) Department
Chennai-600 005

2.The Chairman
The Teachers Recruitment Board
EVR Sampath Maligai
4th floor DPI compound, College Road
Chennai-600 006

3.The Director
Department of Higher Education
Office of the Director of Collegiate Education
EVK Sampath Maligai,
9th floor, DPI Compund
College Road,
Chennai-600 006

4.G.Dalmin

5.R.Krishnamurthy

6.University of Madras
Rep. By its Registrar
Chepauk, Chennai-605 005.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the provisionally selection list dated 17.02.2011 and consequential appointment order bearing G.O.Ms.No.63 dt. 24.02.2011 to post of Assistant Professors in the subject of Aquaculture on the file of the respondents 1 and 2 and to quash the same in so far as the selection and appointment of the respondents 4 and 5 and further to direct the respondents 1 and 2 to consider, select and appoint the petitioner to the post of Assistant Professor in the subject of Aquaculture with all service and attendant benefits from 24.02.2011 i.e from the date of appointment of respondents 4 and 5.

For Petitioner in
W.P.No.10573 of 2012 : Mr.R.Nandhakumar



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For Petitioner in
W.P.No.4791 of 2011 : Mr.R.Singaravelan Senior Counsel
for Ms.M.Srividhya

For Respondents : Mr. KarthikeiBalan,
in WP 4791/2011 Govt.Advocate for R1 to WP 4791/2021

Mr.A.Praveen Kumar for R4
in both WPs.

Mr.Leelaraman Logiah for R5
for M/s Surya Associates in both WPs.

For respondents
in W.P.No.10573 of 2012 : for Mr.KarthikeiBalan Govt.Advocate
for R1 to R3 and R6.

C O M M O N O R D E R

These writ petitions are filed challenging the selection of 4th and 5th respondents to the post of Assistant Professor of Aquaculture and to consider the appointment of the petitioners to the post. On 29.03.2010, the 2nd respondent-Teachers Recruitment Board issued a notification calling for application from the candidates for the post of Assistant Professors in Tamil Nadu Collegiate Educational Services to serve in Government Arts and Science Colleges in Tamil Nadu. There were four estimated vacancies in the subject of Aquaculture. One vacancy each was reserved for GT(G), BC(G), MBC(G), SCA (W). As per Clause 4(a) and (11) the Educational Qualification and the scheme of selection were described as under:

(4) Educational Qualification:

(a) All candidates other than SC/ST candidates: 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 or an accredited Test equivalent to UGC 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.

11) Scheme of Selection:

Scheme of selection involves two stages. Marks will be awarded to all candidates based on the certificates produced by them during the time of



certificate verification as per the criteria and also the marks awarded during the time of interview, as per G.O.Ms.No.412, Higher Education (F2) Department dated 04.12.2009, as follows:

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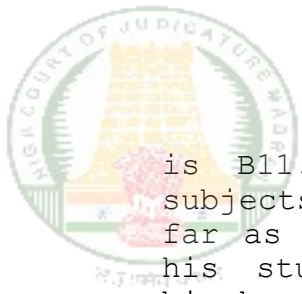
1.	For Teaching experience in Universities/Government/aided colleges/self financing colleges in the approved post including the Teaching experience (in the relevant subject) of the candidates in Medical/Engineering/Law colleges	Maximum 15 Marks
2.	Qualification (a) for Ph.D in concerned subject 9 Marks (b) for M Phil with SLET/NET 6 Marks (c) for P.G & NET/SLET 5 Marks	9 Marks
3	Interview	10 Marks
	Total	34 Marks

Accordingly the educational qualification is that a pass in the post graduate degree in the relevant subject with a minimum of 55% marks and pass in NET/SLET or an accredited test in UGC norms in the relevant subject or post graduate degree relevant subject with minimum of 55% and Ph.D in the relevant subject.

2. What is imperative in the qualification is that both post graduate degree, and a pass in the National Eligibility Test or State Level Eligibility test and Ph.D Shall be in the relevant subject.

3. The selection was conducted by the 2nd respondent Teachers Recruitment Board for Assistant Professors in various subjects in Arts and Science discipline for about 1024 vacancies. Therefore, each and every Assistant Professors should be selected as per their qualification in the relevant subject. In so far as this case is concerned, relevant subject is Aquaculture. The grievance of the petitioners is that the 4th respondent Dalmin did not have teaching experience in the relevant subject and the 5th respondent Krishnamurthy does not have a Ph.d degree in Aquaculture.

4. The issue can be narrowed down on these two aspects and if the allegations are found correct, the selection can be set aside. As per the prospectus issued by the 2nd respondent, subject code for Zoology is B09 and subject code for Aquaculture



is B11. So it is very clear that Zoology and Aquaculture subjects are distinct and two different subjects. Now that in so far as the 5th respondent is concerned, he was awarded Ph.D for his studies on the effect of "Cassia auriculata on some biochemical components of Pancreas, Blood and Liver Tissues of Alloxan, Induced Diabetic male mice, mus musculus". It is relevant to note that a research was done on a male mice. Mus musculus is a common of mouse found in the houses. A study of biochemical components on pancreas, blood and liver tissues was done on diabetic induced male mice and the effect of "Cassia auriculata" is nothing but the effect of the flower called "Aavaram poo" in Tamil. It is believed that it has medicinal effects on the treatment for diabetes. Therefore, the research conducted by the 5th respondent on the mice is to the effect of Cassia auriculata on diabetics induced on the male mice. Mouse/mice is a terrestrial animal and not an aquatic creature. Therefore, it is purely a zoological research and it has nothing to do with the Aquaculture.

5. Learned counsel appearing for the 5th respondent would vehemently contend that it is a Inter-disciplinary research that is why a certificate was issued under the subject Aquaculture-Zoology. The said argument could not be accepted by this Court for the reason that the 5th respondent has done his Post graduate degree in Aquaculture. Usually, a person doing research study can do the same in his basic or core subject. In so far as the 5th respondent is a Master of Science in Aquaculture and therefore he can do research only in Aquaculture. When he wanted to register himself for Ph.D course in the department of Zoology, the University of Madras has stated that the 5th respondent has done his M.Sc degree in Aquaculture and desired to do Ph.D in the department of Zoology. Therefore, he was permitted to do the work under inter disciplinary basis i.e Aquaculture-Zoology. This letter of University of Madras Ph.D/Misc/2000/D.2/2400 dated 22.08.2000 makes it clear that a candidate was permitted to do the work under Inter-disciplinary basis for the reason that he did his Msc. Degree in Aquaculture and desires to do Ph.D degree in the Department of Zoology. Therefore, Inter-disciplinary in this case mean that the research done in a different subject other than the concerned subject i.e aquaculture of the candidate, in which he did his Post graduation. Therefore, for all purposes, it can be construed that the 5th respondent has done his research only in Zoology and not in Aquaculture. As already observed, the prospectus distinguishes the subjects of Zoology and Aquaculture under different codes viz., B09 and B11.

5. This factum is further clarified by the official communication No.Ph.D/2011/2639 dated 03.04.2012 by the University of Madras under the Right to Information Act. The



principal (in charge) of Presidency College, Chennai also furnished the list of candidates completed Ph.D degree from the year 1999-2007 wherein the 5th respondent has obtained Ph.D degree in the year 2005 in the Zoology subject. The factum is further substantiated by the format of Inter-disciplinary research proposal submitted to the University of Madras under Appendix-B. It is categorically mentioned that the candidate is qualified for Masters degree in the subject of M.Sc Aquaculture and proposed discipline in which the candidate intends to do work for Ph.D is Zoology. Since he has done his M.Phil in Zoology at Presidency College, Chennai, he was recommended for permission to register for Ph.D in the same department by the Zoology department of the Presidency College. Therefore, there is no iota of doubt that the 5th respondent possess Ph.D in the subject of Zoology and not in the relevant subject which is Aquaculture. But during the selection he was awarded 9 marks for Ph.D degree and 2 marks for his teaching experience. The relevant columns are extracted hereunder:

DETAILS OF BASIC AND OTHER QUALIFICATIONS OF THE CANDIDATES APPEARED FOR THE SUBJECT AQUACULTURE FROM BACKWARD COMMUNITY

S.N o.	NAME	BASIC QUALIFICATION	NET	Ph.D	TEACHING EXPERIENCE
1	Dr.S.JAGAN MOHAN	M.Sc., AQUACULTURE	QUALIFIED	AQUACULTURE	3 MONTHS IN AQUACULTURE AT GOVT.ARTS COLLEGE, NANDANAM, CHENNAI
2	Dr.G.DALMIN	M.Sc., COASTAL AQUACULTURE	QUALIFIED	MARINE BIOLOGY	BIOTECHNOLOGY FROM ENGINEERING COLLEGE
3	Dr.R.KRISHNAMURTHY	M.Sc AQUACULTURE	NO	ZOOLOGY	ZOOLOGY, ARIGNAR GOVT. ARTS COLLEGE, CHEYYAR
4	Mr.A.KANNAN	COASTAL AQUACULTURE	QUALIFIED	NIL	NIL

CERTIFICATION AND INTERVIEW RESULTS



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S.N o.	NAME	QUALIFI CATION	NE T	P.h.d.,	INTER VIEW	Teaching Experien ce	FIRST CERTIF ICATE VERIFI CATION	SECOND CERTIFICATE VERIFICATION
1	Dr.S.JAGAN MOHAN	AQUACLU TURE	NE T	AQUACL TURE	7	3 MONTHS	SELECT ED	SELECTED
2	Dr.G.DALMI N	COASTAL AQUACLT TURE	NE T	MARIN E BIOLO GY	8	BIOTECHN OLOGY FROM ENGINEER ING COLLEGE	REJECT ED	SELECTED
3	Dr.R.KRISH NAMURTHY	AQUACLU TURE	-	ZOOLOG Y	7	ZOOLOGY	SELECT ED	SELECTED
4	Mr.A.KANNA N	COASTA L AQUACL TURE	NE T	-	6		REJECT ED	SELECTED

DETAILS OF BASIC AND OTHER QUALIFICATIONS OF THE CANDIDATES
APPEARED FOR THE SUBJECT AQUACLTURE FROM BACKWARD COMMUNITY

S.N o	NAME	CERTIFICATE VERIFICATION		TEACHING EXPERIEN CE	INTERVIE W	TOTAL MARKS
		Msc.Net	Ph.d			
1	Dr.S.JAGAN MOHAN	5+	4=9	0	7	16
2	Dr.G.DALMI N	5	-	9	8	22
3	Dr.R.KRISH NAMURTHY		9	2	7	18
4	Mr.A.KANNA N	5	-	0	6	11

From the marks awarded it could be seen that 9 marks is awarded for Ph.D in Zoology and 2 marks for teaching experience in Zoology in various colleges. In the considered opinion of this Court, the marks awarded for Ph.D and teaching experience ought not to have been awarded and the selection it is tainted with malafides and extraneous consideration.

6. In so far as the case of the 4th respondent is concerned, he did his basic degree in Coastal Aquaculture and Ph.D in Marine Biology but crucially for teaching experience he was awarded 9 marks. It is important to note whether he possess the necessary teaching experience in the relevant subject and that



the certificate produced by him is genuine or not. The petitioner in W.P.No.10573 of 2012 had made an application under Right to Information Act to the St.Peter's University from which the 4th respondent has obtained certificate for teaching experience. St.Peter's University in their letter No.SPU/REG/FO33/2012-3 dated 19.03.2012 has informed that 4th respondent worked as Senior lecturer in the Department of Bio-Technology and did his academic work in respect of B.Tech and M.Phil programme and that the University had not issued any experience certificate to him. This letter was sent by the Registrar with a copy to Vice Chancellor, Finance Officer and Legal Advisor. Now that it is relevant to see the experience certificate submitted by the 4th respondent. The 4th respondent submitted his experience certificate by way of a typed set filed by him on 07.04.2011. In the experience certificate it is noted that he taught Microbiology, Environmental Science, Industrial Bio-Technology, Professional Ethics and Molecular Pathogenesis from 05.01.2006 till 02.06.2010. It is already noted as per the prospectus the last date of the submission of the application along with relevant certificates was 23.04.2010 5.45 p.m. Whereas, the certificate submitted by the 4th respondent is dated 02.06.2010. Clause 2 of the note in Annexure-V teaching experience certificate specifies teaching experience certificate in the subject which they have applied alone will be considered. As noted above, the subjects taught were Microbiology, Environmental Science, Industrial Bio-Technology, Professional Ethics and Molecular Pathogenesis for the students of B.Tech. As per the special instructions contained in the prospectus, Sub-clause (h) of Clause 13 mandates that in the case of persons who are working in deemed University it should be counter signed by the concerned Registrar for the period upto the last date of application. As observed above, the certificate was not obtained before the last date of submission and as prescribed under Annexure-V it was not in the subject for which it has been applied.

7. To a letter submitted by the Writ petitioner in 4791 of 2011 under Right to Information Act, Registrar of St.Peter's University has informed as under:

" The 4th respondent Dr.G.Dalmin has worked as Senior lecturer in the Department of Biotechnology from 05.01.2006 to 24.02.2011. University has not issued any experience certificate to Dr.G.Dalmin and Dr.K.Kantharaj is working as a Dean in the Bio-Medical Engineering."

8. Therefore, it is crystal clear that the certificate submitted by the 4th respondent was not one issued with an endorsement from the Registrar of St.Peter's University but was



issued by the Dean in the Department of Bio-Medical Engineering. It is also found in the certificate that it was issued on behalf of the Registrar. Therefore, the experience certificate on the first hand does not relate to the subject of the post to which the 4th respondent has made his application. Secondly, it was not issued as per the requirement contained in Sub-clause (h) of 13 of the prospectus i.e to say it should be counter signed by the concerned Registrar. Therefore, the interview mark 9 awarded to the 4th respondent for teaching in the subject of Bio-Technology for Engineering students ought not to have been awarded and the selection is tainted with malafides and extraneous consideration. In fact, the certificate should be considered as fabricated one for the purpose of securing employment. In that event Ph.D degree of the 5th respondent and teaching experience of the 4th and 5th respondents are deducted it will yield a different result. Therefore, the selection of 4th and 5th respondents as found above is arbitrary, illegal and tainted with malafides and therefore it stands set aside.

9. As contended by the learned counsel for the petitioner that Dr.S.Jagan Mohan in W.P.No.4791 of 2011 might have been selected by securing 16 marks. Therefore, it is fit to issue a direction to the respondents 1 to 3 to consider and select the petitioner Dr.S.Jaganmohan to the post of Assistant Professor for the subject Aquaculture from the date of issuance of provisional selection list i.e 17.02.2011. In so far as the Writ petitioner in W.P.No.10573 of 2012 is concerned, a direction is given to the respondents 1 to 3 to consider the qualification of the petitioner and if found fit, to consider his selection and appointment to the post of Assistant professor with effect from 17.02.2011 from the date of application of provisional selection.

Writ petitions are allowed with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kpr

To

1. The Chairman
The Teachers Recruitment Board
4th floor, EVK Sampath Maligai
DPI Compound, College Road
Chennai-600 006



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Higher Education (G1) Department
Chennai-600 005

5. The Registrar
University of Madras
Chepauk, Chennai-605 005.

+lcc to Mr.R.Nandhakumar , Advocate, S.R.No.65523
+lcc to Ms.M.Srividhya , Advocate, S.R.No.65918
+lcc to Mr.P.Anbarasan, Advocate, S.R.No.65953
+lcc to Mr.L.Surya, Advocate, S.R.No.65862

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