

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 15.03.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.6570 of 2021

Nithiya

... Petitioner

Vs.

The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai 600 034.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to consider and pass orders based on the Petitioner's representation dated 22.02.2021 on the file of the Respondent herein.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.P.Raja,
Government Advocate

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondent to consider and pass orders on her representation dated 22.02.2021.

2. According to the Petitioner, she passed Ph.D. (Chemistry) in Periyar University, Salem on 04.10.2019. Based on Notification No.12/2019, dated 28.08.2019 issued by the Teachers Recruitment Board, the Petitioner applied for the post of Assistant Professor, Physical Science Education in the Reserved Post category (SCA) through online on 04.11.2019. It is further stated by the Petitioner that, she is eligible for the said post as per Notification No.12/2019, dated 04.10.2019. As her Application has been rejected, she made a representation to the Respondent on 20.02.2021. Pending consideration of the same, the Petitioner has approached this Court.

3. Learned counsel for the Petitioner submitted that, as the date of Notification issued by the Teachers Recruitment Board and the date of passing Ph.D. by the Petitioner are one and the same, i.e. 04.10.2019, rejection of the Petitioner's Application that, she is ineligible for direct recruitment to the post of Assistant Professor, Physical Science Education for the year 2018-19, is unjust and illegal.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Firstly, when a candidate's request has already been rejected in the ineligible list, writ of Mandamus will not lie. Consequently, in the absence of clause 6(b)(vi) of the Notification dated 04.10.2019, the Petitioner's case would have been considered, as there is no bar for a candidate to acquire Ph.D. Degree on the same date of Notification. But, unfortunately, in the Notification, the cut-off date has been fixed as 03.04.2009. For better appreciation, clause 6(b)(vi) of the said Notification is extracted hereunder:

"vi. The candidates who have obtained their M.Phil/Ph.D. Degrees on or after 03.04.2009 through Correspondence/Distance Education/Open University System are ineligible for appointment as Lecturers/Assistant Professors in Colleges and Universities and also for awarding of weightage marks for Teaching Experience vide G.O.Ms.No.91, Higher Education (K2) Department, dated 03.04.2009 and clarification issued in Government Letter No.8609A/F2/2014-1, dated 13.06.2014."

6. Even though the Petitioner has obtained Ph.D. Degree, as the cut-off date is 03.04.2009, rejection of her application by the Respondent is perfectly valid and hence, she is not entitled to the relief sought for in this Writ Petition. In view of the foregoing, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road, Chennai 600 034.

+cc to Government Pleader Sr.No.16925

W.P.No.6570 of 2021

PL(CO)
baf 05/05/2021