



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.3139 of 2014 and

WMP(MD) .Nos.1 to 4 of 2014

WEB COPY

P.Jasmine Lois Ebenezer

: Petitioner

.vs.

1.The Government of Tamil Nadu
Represented by the
Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Teachers Recruitment Board,
Represented by the Chairman,
4th Floor, E.V.K. Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

3.The Member Secretary to
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

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

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Teachers Recruitment Board-Publication of marks made on 26.01.2014 insofar as the petitioner is concerned and direct the respondents to award full 15 marks to the petitioner for teaching experience and accordingly revise the petitioner's rank and consider her candidature and appoint her to the post of Assistant Professor in Government Arts and Science Colleges as per the revised marks.

For Petitioner : Mr.N.Dilipkumar

For respondents : Mr. R. Ragavendran

Government Advocate (for R1 & R4)

Mr.V.R.Shanmuganathan (for R2 & R3)



ORDER

This Writ Petition has been filed to call for the records relating to the proceedings of the Teachers Recruitment Board-Publication of marks made on 26.01.2014 insofar as the petitioner is concerned and direct the respondents to award full 15 marks to the petitioner for teaching experience and accordingly revise the petitioner's rank and consider her candidature and appoint her to the post of Assistant Professor in Government Arts and Science Colleges as per the revised marks.

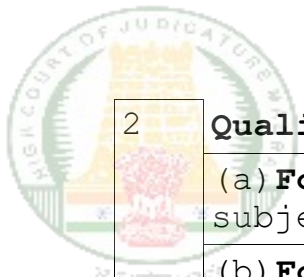
2.The petitioner had passed B.Sc., Physics in 1989, passed M.C.A. degree I in 1992, M.Phil. in 2008 and then State Eligibility Test on 07.10.2012. The petitioner had served in Sarah Tucker College at Tirunelveli as Lecturer in the Department of Computer Science for UG Course - B.Sc. Computer Science from 01.08.1992 to 30.04.1994, then in A.Doraisamy Nadar Maragathavalli Ammal College for Women, from 10.07.1995 to 12.04.1996, then in Poiner Kumaraswamy College, Nagercoil from 01.07.1997 to 31.05.1999, then in Sivanthi Aditanar College, Pilliyarpuram, Nagercoil, then again Sarah Tucker College at Tirunelveli for teaching M.C.A. from 23.08.2001.

3.The petitioner states that the Joint Director of Collegiate Education on 05.07.2013 has issued Teaching Experience Certificate for the service rendered in Sarah Tucker College for the period of 13 years and 7 months.

4.The AICTE vide proceedings, dated 22.01.2010, has prescribed the qualification for appointment as lecturer to teach M.C.A., is first class in M.C.A. degree and for the appointment as Assistant Professor for MCA, MCA degree along with 2 years experience. The petitioner is having the prescribed qualification at the time of appointment in Sarah Tucker College, dated 23.08.2001.

5.The respondents published advertisement on 28.05.2013 in order to fill up the vacancies by direct recruitment to the post of Assistant Professors in the Government Arts and Science College under the Tamil Nadu Collegiate Educational Service. In the prospectus it is stated 2 marks will be awarded for each year subject to the maximum of 15 marks for teaching experience. The prospectus has also stated the marks for each qualification and the same is stated as under:

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. (2 marks for each year subject to a maximum of 15 marks)	Maximum
		15 Marks



2	Qualification		9 Marks
	(a) For Ph.D in concerned subject	9 Marks	
	(b) For M.Phil with SLET/NET	6 Marks	
	(c) For PG & SLET/NET	5 Marks	
3	Interview		10 Marks
	Total		34 Marks

The petitioner was called for certificate verification on 02.12.2013 and her name was published in Serial No.328. But the respondents had awarded only 2 marks instead of awarding 15 marks. The respondent has taken the period from 2012-2013, but has not taken the service prior to 2012 since the petitioner is not possessing SLET qualification during such period. Aggrieved over the same, the present writ petition is filed to quash the provisional mark list as far as the petitioner is concerned and consequently, direct the respondents to grant 15 marks to the petitioner for teaching experience and accordingly revise the petitioner's rank and consider her candidature and appoint her to the post of Assistant Professor.

6.The 2nd respondent had filed a counter opposing the claim of the petitioner stating that the petitioner had acquired M.Phil. through Distance Education and as per G.O. Ms. No. 91 Higher Education (K2) Department dated 03.04.2004 the petitioner is not eligible. Hence the period of teaching experience of the petitioner rendered after completion of SLET (2012) has been calculated for awarding of weightage marks and hence she is entitled to 2 marks only.

7.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 4 and the learned counsel appearing for the respondents 2 and 3.

8.The petitioner has submitted that the AICTE is the authority to prescribe qualification and has relied on certain AICTE notifications. In the proceedings, dated 03.05.2000, the AICTE has prescribed "first class M.C.A. degree" for the post of Lecturer. In another proceedings, dated 10.09.2003, it has prescribed Bachelor's Degree in any discipline or M.Sc. in any branch along with first class M.C.A. degree are eligible for appointment as lecturer in M.C.A. course. In the notification, dated 22.01.2010, it has prescribed "M.C.A. with first class or equivalent with two years relevant experience".

9.It is seen that the petitioner has passed M.C.A. in the year 1992 itself and based on the notifications of AICTE, then the petitioner is entitled to calculate the 'teaching experience'



period from the date when the petitioner had completed M.C.A. degree. Therefore, this court holds that the petitioner's teaching experience shall be calculated from the date of completion of M.C.A. degree.

10.The respondents main objection is that the petitioner has qualified M.Phil. from Distance Education and as per G.O.Ms.No.91 any degrees obtained through the Correspondence / Distance Education / Open University System are ineligible for government appointments and appointment as Lecturers in Colleges / Universities including self-financing colleges. Therefore, the petitioner teaching experience after the M.Phil. degree is not eligible for calculating the teaching experience.

11.It is seen that the petitioner had completed M.Phil., on 03.04.2009, therefore, the petitioner is not entitled to calculate the teaching experience from 03.04.2009 onwards as per G.O. 91. However, it is seen that the petitioner has completed State Eligibility Test on 07.10.2012. Then the petitioner is entitled from the date of completion of State Eligibility Test. Therefore, this court holds that the petitioner is not entitled to calculate the period from 03.04.2009 to 06.10.2012, but eligible to calculate rest of the period.

12.Therefore, this court is directing the respondents to calculate the rest of the period from 1992 onwards, after deducting the period from 03.04.2009 to 06.10.2012 and grant marks for the "teaching experience".

13.With the above direction the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-600 009.



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

3.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

4.The Member Secretary to
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
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RS (02.12.2021) 5P 5C