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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.26362 OF 2009

AND M.P.NO.1 OF 2009

Dr.S.Suresh

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary
Department of Higher Education,
Fort St.George, Chennai - 600009.
2. The Teachers Recruitment Board,
Rep. by its Chairman,
DPI Compound, College Road,
Chennai - 600006.
3. The Certificate Verification Board,
Rep. by its Chairman Mr.Panneerselvam,
Thiru A.Govindasamy Govt. Arts College,
Tindivanam - 604002.

... 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 from the file of the second respondent in R.C.No.2727/A6/2009 and quash the order dated 04.12.2009 made therein and consequently direct the second respondent to consider the petitioner's other 4 articles published and award marks for the same and thereafter publish the name of the petitioner in the selected list of candidates for the post of Lecturers (Chemistry) in the Tamil Nadu Collegiate Educational Services to serve in Government Arts and Science Colleges and Colleges of Education sanctioned by the Government of Tamil Nadu as per its Advertisement in 4/2008-09 dated 14.08.2008.

For Petitioner : Mr.Ashokapathy
for M/s.Pass Associates



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For Respondents : Mr.V.Veluchamy [R1]
Additional Government Pleader
Mr.C.Kathiravan [R2]
No Appearance [R3]

ORDER

In the selection process conducted by the Teachers Recruitment Board for the post of Lecturers in Chemistry, the petitioner did not come under the zone of consideration and lacked one mark. According to the petitioner, he would be entitled for one mark per article that are published in the Journals and since five of his articles were published in five Journals, he would be entitled for one mark each. One of the conditions stipulated in the recruitment notification is that, such articles should be published by the candidate as an 'Author' and that co-authorship will not be qualify for marks.

2. The learned Additional Government Pleader appearing for the first respondent submitted that all the articles on which the petitioner placed his reliance were published by two or more Authors and therefore, the petitioner is deemed to be a co-author for which, he is not entitled for any mark. The petitioner's articles relied upon by him were produced before this Court and as pointed out by the learned Additional Government Pleader, the petitioner's name therein is accompanied by one or more persons.

3. The learned counsel for the petitioner, by way of clarification submitted that it was mandatory for the researcher to include his guide's name in the articles and therefore, mere reflection of the guide's name in such articles cannot be construed that the petitioner is a co-author. He had also placed certain supporting documents to substantiate that the name of the other person found in the article was his guide.

4. A perusal of the articles does not reflect or clarify that the petitioner alone was the Author, or that the name of the other person was his guide. When the Teachers Recruitment Board is guided by certain conditions stipulated in the notification, they cannot surpass or ignore such regulations. This is a settled proposition of law in a recruitment process. While a notification clearly bars additional marks for co-authorship and the lack of any clarity in the 'article' to substantiate that the name of the person accompanying the petitioner's name in the article is only a guide, I am not in agreement with the ground raised by the petitioner in this regard. Accordingly, I do not find any infirmity in the selection process dis-entitling the petitioner for any marks in the five articles relied upon by him.



In the light of the above observation, this Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Government of Tamil Nadu
Department of Higher Education,
Fort St.George, Chennai - 600 009.
2. The Chairman,
Teachers Recruitment Board,
DPI Compound, College Road,
Chennai - 600 00.
3. Mr.Panneerselvam,
The Chairman,
The Certificate Verification Board,
Thiru A.Govindasamy Govt.Arts College,
Tindivanam - 604 002.

+1cc to M/s.Pass Associates, Advocate, S.R.No.15666

W.P.No.26362 of 2009

RSI (CO)
PM/25/03/2022