



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.27019 of 2015
and M.P.Nos.1 and 2 of 2015
and W.M.P.No.7585 of 2019

Dr.L.Phadmaja

...Petitioner

Vs

1.The University Grants Commission,
Rep by its Chairman,
Bahadur Sha Zaffar Marg,
New Delhi 2.

2.The Government of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Fort St. George, Chennai 9.

3.The Director of Collegiate Education,
College Road, Chennai 6.

4.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

5.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli.

6.The Correspondent,
Nesamoney Memorial Christian College,
Marthandam and Post,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of the 4th respondent in Pa.Lu.No.E2/17546/2006, dated 12.02.2007 and the order of the 5th respondent in R/CD/NMC/QA/A.P/2015 dated 16.04.2015, quash the same insofar as not approving the



appointment of the petitioner with effect from 21.08.2000 to 25.07.2006, consequently direct the respondents 2 to 4 to approve the appointment of the petitioner as Lecturer in the Department of Physics made by the 6th respondent with salary and all other benefits from 21.08.2000 in the FIP (Study Leave) vacancy and from 20.06.2001 in the permanent vacancy till 25.07.2006, in view of the 1st respondent Notification dated 14.06.2006.

For Petitioner : Mr.K.Sathishkumar

For Respondents : Mr.P.R.Gopinathan, UGC for R1
Mr.B.Vishnu Chelliya for R5
Mr.Vadiveludeenadayalan for RR2 to 4

O R D E R

With the consent of both the parties, this writ petition is taken up for final disposal.

2.As per the UGC Regulations 2000, regarding minimum qualifications required for the appointment and career advancement of Teachers in Universities and Institutions, the original condition reads as follows:

"NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D. Degree. However, the candidates who have completed M.Phil degree or have submitted Ph.D. thesis in the concerned subject upto 31st December, 1993 are exempted from appearing in the NET examination."

3.Subsequently the aforesaid requirement came to be substituted by a notification dated 14.06.2006 in the following manner:-

"NET shall remain the compulsory requirement for appointment as Lecturer for those with post-graduate degree. However, the candidates having Ph.D. degree in the concerned subject are exempted from NET for PG level and UG level teaching. The candidates having M.Phil degree in the concerned subject are exempted from NET for UG level teaching only."

4.The Notification dated 14.07.2006 is not an "amendment" to the original UGC Regulations but a "Substitution" and apparently, the requirement which has now been brought by way of substitution, would be retrospectively applicable from the date



of commencement of the original UGC Regulations, 2000.

5. In this background, it is seen that the petitioner herein, who holds a M.Phil degree, was appointed as Physics Lecturer in the permanent vacancy that arose due to the retirement of a Lecturer on 20.06.2001. The petitioner's appointment was approved on 07.12.2006 by the Government. In view of the present substitution of the original UGC regulations 2000, by Notification dated 14.07.2006, the petitioner who holds M.Phil degree and appointed to teach UG level, would now be entitled for approval from 20.06.2001 onwards, in view of the observations made by this Court in the earlier paragraph.

6. Consequently, the order of the 4th respondent in Pa.Lu.No.E2/17546/2006, dated 12.02.2007 and the order of the 5th respondent in R/CD/NMC/QA/A.P/2015 dated 16.04.2015, insofar as not approves the appointment of the petitioner with effect from 21.08.2000 to 25.07.2006, is concerned, stands quashed. Accordingly, there shall be a direction the respondents 2 and 3 herein, to pass appropriate orders granting approval of the appointment of the petitioner as Lecturers in the Department of Physics in the 6th respondent/College, with effect from 20.06.2001 onwards, together with all service and other monetary benefits. The respondents 2 and 3 shall endeavour to pass such orders, within a period of four weeks. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The University Grants Commission,
Rep by its Chairman,
Bahadur Sha Zaffar Marg,
New Delhi 2.

2. The Government of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Fort St. George, Chennai 9.



3.The Director of Collegiate Education,
College Road, Chennai 6.

4.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

5.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli.

6.The Correspondent,
Nesamoney Memorial Christian College,
Marthandam and Post,
Kanyakumari District.

+1cc to Mr.K.Sathish Kumar, Advocate SR.No.6525

+1cc to Mr.P.R.Gopinathan, Counsel for university Grants
Commission, New Delhi, Advocate SR.No.6245

+1cc to Government Pleader, SR.No.6481

W.P.No.27019 of 2015
and M.P.Nos.1 and 2 of 2015
and W.M.P.No.7585 of 2019

JP II(CO)
GN(22/02/2022)