

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25539 of 2014

and

M.P.No.1 of 2014

S.Ramesh

...Petitioner

Vs

1.The Secretary,
Higher Education Department,
Fort St. George, Chennai.

2.The Chairman,
The Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Building,
DPI Campus, College Road,
Chennai - 600 006.

3.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to allot full marks of 15 for the teaching experience to the petitioner (Reg. No.1620414) by taking into consideration of teaching experience gained from 2000 to 2002 and 2003 to 2006 for the selection to the post of Assistant Professor in Computer Science based on the notification/prospectus issued by the second respondent Teacher Recruitment Board dated May 2013 for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Education Service in 2012 and allot nine marks at par with the candidate who has obtained Ph.D., Degree, to the petitioner and consequently direct the second respondent to permit the petitioner to attend interview and to select and appoint the petitioner to the above post of Assistant Professor in Computer Science based on the merits in the selection.

For Petitioner : Mr.M.Madhu Prakash

For R2 : Mr.C.Kathiravan
Special Government Pleader

For R1 & R3 : Mrs.R.L.Karthika
Government Advocate

ORDER

The relief sought for in the writ petition is to direct the second respondent to allot full marks of 15 for the teaching experience to the petitioner (Reg. No.1620414), by taking into consideration the teaching experience gained from 2000 to 2002 and from 2003 to 2006 for selection to the post of Assistant Professor in Computer Science, based on the notification/prospectus issued by the second respondent, dated May, 2013, for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Education Service in 2012 and allot nine marks, on par with the candidate who has obtained Ph.D., Degree, to the petitioner and consequently direct the second respondent to permit the petitioner to attend interview and to select and appoint the petitioner to the post of Assistant Professor in Computer Science, based on merits in the selection.

2. The petitioner states that he is fully qualified for appointment to the post of Assistant Professor. He submitted his application for recruitment. However, he was not considered for selection to the post of Assistant Professor as the marks awarded for experience was not in consonance with the rules prevailing during the relevant point of time.

3. The learned counsel for the petitioner made a submission that for teaching experience, the petitioner must have been awarded 15 marks, however, the respondents awarded only 14 marks and therefore, the petitioner lost his opportunity to secure appointment to the post of Assistant Professor. During the certificate verification, the experience certificate produced by the petitioner was not properly considered in a right perspective for awarding 15 marks. In this context, the learned reiterated that the petitioner must be awarded with 15 marks and consequently, he must be appointed as Assistant Professor.

4. The learned Special Government Pleader appearing for the second respondent objected the said contention by stating that there is no dispute in respect of the educational qualification prescribed for selection to the post of Assistant Professor. Regarding the teaching experience, it is contended that the scheme of selection involves two stages. Marks will be awarded to all candidates based on the certificate produced along with the Application Forms as per 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, Government letter No.20575 A/F2/2011, dated 27.06.2012 and G.O.Ms.No.32, Higher Education (F2) Department, dated 08.03.2013, as follows:

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		
	(a) For Ph.D in concerned	9 Marks	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

5. It is further contended that after the issue of notification, in the light of the direction of this Court in W.P.No.18186 of 2013, the Teachers Recruitment Board published corrigendum-III on 02.08.2013, informing the candidates regarding the relevant period of qualification, which can be considered for awarding marks for Teaching Experience. The yardstick for awarding marks for the Teaching Experience is detailed below:

Sl.N o	Date	Qualification prescribed by UGC for appointment of Lecturers in College/Universities
1.	Before 1991	P.G. With 50% minimum marks

Sl.No	Date	Qualification prescribed by UGC for appointment of Lecturers in College/Universities
2.	19.09.1991	P.G. With 55% minimum marks with pass NET/SLET
3.	1993	P.G. With 55% minimum marks with NET/SLET
4.	31.07.2002	P.G. With 55% marks with NET/SLET, Exemption for Ph.D., dissertation submitted before 31.12.2002.
5.	14.06.2006	P.G. With 55% minimum marks with NET/SLET, Exemption for M.Phil for taking U.G. Class & Ph.D., for taking P.G. Class
6.	30.06.2010	P.G. With 55% minimum marks with NET/SLET. Exemption only for Ph.D., holders.

6. Further, it is stated that the petitioner was one among the candidates applied for the post of Assistant Professor in Computer Science. He was called for certificate verification on 03.12.2013. At the time of certificate verification, he was awarded 6 marks for the qualification (M.Phil., with SLET/NET) and 2 marks for the Teaching Experience. The total marks awarded to him was 8 marks. Further, the petitioner was one among the candidates who attended the additional certificate verification held on 04.07.2014. At the time of certificate verification, he produced teaching experience certificate for the period from 01.08.2000 to 25.07.2013. However, the teaching experience for the period 19.06.2006 to 25.07.2013 has been considered and 14 marks were awarded for which he is entitled. The period of teaching experience with effect from 01.08.2000 to 18.04.2006 has not been considered for awarding weightage marks, as the petitioner had obtained M.Phil degree in June, 2006 only. Thus, the weightage marks awarded to him for qualification and teaching experience is in accordance with law. The averment of the petitioner that he is entitled for full 15 marks towards teaching experience, is not acceptable.

7. In view of the fact that the case of the petitioner was considered and 14 marks was awarded, the petitioner was not within the zone of consideration, for the purpose of selection to the post of Assistant Professor. That apart, the selection was conducted in the year 2014 and now 8 years have lapsed.

8. This being the factum, the petitioner is not entitled for the relief sought for and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

hvk

To

- 1.The Secretary,
Higher Education Department,
Fort St. George, Chennai.
- 2.The Chairman,
The Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Building,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.C.Kathiravan, Advocate SR.No.43854
+1cc to the Government Pleader, SR.No.43458

W.P.No.25539 of 2014

JPL(CO)
CB(25/07/2022)