



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.18667 OF 2014

AND

MP NOS.1 AND 2 OF 2014

Dr.M.Esthaku Peter

.. Petitioner

vs.

1. The Principal Secretary to the Government of
Tamil Nadu,
Personnel and Administrative Reforms (R) Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to the Government of
Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
3. The Member Secretary,
Teachers' Recruitment Board,
College Road,
Chennai - 600 006.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the provisional Mark List of all candidates after certificate verification for the recruitment of Assistant Professors in Government Arts and Science College, 2012 published by the third respondent in the Website dated 26.01.2014 and quash the same in so far as declaring the petitioner ineligible for the post of Assistant Professor in Physics with the remarks 'Not Equivalent Subject' in Serial No.500 of the List in Physics subject is concerned and consequently direct the respondents to consider the petitioner eligible to be appointed as Assistant Professor in the Government Arts and Science Colleges recruitment for the year 2012.



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For Petitioner : Mr.P.Sonu for
Mr.C.K.M.Appaji

For Respondents-1 and 2: Mr.M.Bindran,
Additional Government Pleader.

For Respondent-3 : Mr.C.Kathiravan,
Special Government Pleader.

O R D E R

The writ petition is filed to quash the provisional mark list published by the third respondent in website dated 26.01.2014 and to declare that the petitioner is eligible for selection to the post of Assistant Professor in Physics.

2. The learned counsel for the petitioner mainly contended that the petitioner has completed the M.Sc., Material Science and Ph.D in Physics. Therefore, he is eligible for selection to the post of Assistant Professor in Physics.

3. In support of the said contention, the learned counsel for the petitioner relied on the order issued by the Government in G.O.Ms.No.80, Personnel and Administrative Reforms Department, dated 06.02.1996, wherein the degree of M.Sc. (Material Science) is held equal to that of the degree of M.Sc. (Physics). Relying on the said Government Order, the learned counsel for the petitioner reiterated that the awarding of marks by the third respondent-Board is improper and is in violation of the Government Order in force.

4. The learned Special Government Pleader appearing on behalf of the third respondent-Board opposed the said contention raised on behalf of the petitioner by stating that in the very same Government Order relied on by the petitioner issued in G.O.Ms.No.80, stipulates that the said equalisation of degrees are granted for teaching upto Plus Two Level in the Education Department of the State and the said Government Order cannot be applicable regarding the selection to the post of Assistant Professor in Physics. Regarding appointment of College Teachers, the respondents are bound to follow the UGC Regulations and for fixation of qualification. Therefore, the said Government Order is inapplicable with reference to the recruitment to the post of Assistant Professor (Physics) is concerned.

5. As rightly pointed out by the learned Special Government Pleader, educational qualifications for appointment to the post of Assistant Professor (Physics) are prescribed by the University Grants Commission. The Recruiting Agencies are bound to follow the minimum requisite educational qualifications



fixed under the UGC Regulations.

6. Perusal of the Government Order relied on by the petitioner reveals that the equalisation is granted for teaching upto Plus Two Level only. This being the factum, the very Government Order relied on by the petitioner is of no avail for the purpose of considering the case of the petitioner. That apart,, the selection was conducted in the year 2013 and the selected candidates were appointed and almost 9 years have elapsed. In view of the facts and circumstances of the case, the petitioner is not entitled for any relief as such sought for in the present writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Principal Secretary to the Government of
Tamil Nadu,
Personnel and Administrative Reforms (R) Department,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to the Government of
Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai - 600 009.
3. The Member Secretary,
Teachers' Recruitment Board,
College Road, Chennai - 600 006.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.37313
+1cc to Mr.C.Kathiravan, Advocate, S.R.No.37302
+1cc to the Government Pleader, S.R.No.38238

WP 18667 of 2014

SSD(CO)
PM/07/07/2022