



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22066 of 2019

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V.Meenakshi Sundareswari

... Petitioner

vs.

1.The University Grants Commission
rep.by the Secretary
Bahadursha Zafar Marg
New Delhi-110 002

2.The State of Tamilnadu
rep.by its Principal Secretary
Department of Higher Education
Fort St.George, Chennai-09

3.The Teachers Recruitment Board
rep.by its Chairman
4th Floor, EVK Sampath Buildings
DPI Compound, College Road
Chennai

4.The Director of Collegiate Education
9th Floor, EVK Sampath Buildings
College Road, Chennai-600 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the third respondent to consider the representation of the petitioner dated 06.10.2019 and thereby grant an exemption to the petitioner herein in sub clause 6(iv) of the Teachers Recruitment Board Notification dated 28.08.2019 and award one marks for her degree obtained.

For Petitioner : Ms.W.Pamelin

For Respondents : Mr.V.Maharajan for R1
Mr.G.V.Vairam Santhosh for R2 & R4
Mr.V.R.Shanmuganathan for R3

O R D E R

The relief sought for in this writ petition is to direct the third respondent to consider the representation submitted by the petitioner on 06.10.2019 seeking exemption to the petitioner to participate in the selection process to the post of Assistant Professor.



2. The petitioner states that she possesses M.Phil Degree through Open University system. As per the Government Orders and as per the terms and conditions stipulated in the recruitment notification, Open University Degrees are invalid and those candidates are not eligible to participate in the selection process.

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3. The Honourable Supreme Court in ***Annamalai University vs. Secretary to Government, Information and Tourism Department***, reported in ***(2009) 4 SCC 590*** has held that Open University Degrees are invalid and accordingly, the Government of Tamil Nadu implemented the said Judgment and issued orders. Thus, the recruitment notification also stipulates that Open University Degrees are invalid for the purpose of selection and appointment.

4. This being the terms and conditions of the recruitment notification, the petitioner's claim for exemption cannot be granted by the High Court under Article 226 of the Constitution of India. Exemption from educational qualification is impermissible and filing a writ petition by merely sending a representation to the Authorities is not entertainable and such a claim itself is untenable.

5. With the above observations, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Principal Secretary,
State of Tamilnadu,
Department of Higher Education,
Fort St.George, Chennai-09.

2.The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai-600 006.

+1 CC to M/s.SPL.GP. (SR-21688[F] dated 27/04/2022)

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