



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.25133 of 2019

and

W.M.P. (MD) No.21729 of 2019

K.Saravanan

... Petitioner

-vs-

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road, Chennai-6.

2. The Director,
Directorate of College Education,
9th Floor, EVK Sampath Maligai,
DPI Complex, College Road, Chennai-6. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to include and add the teaching experience of the petitioner while doing Ph.D from 30.06.2010 to 22.01.2017 and may award weightage mark along with other marks as a scheduled in the notification and may appoint the petitioner as Assistant Professor in Physics at Tamilnadu Government Arts and Science College if he is otherwise eligible.

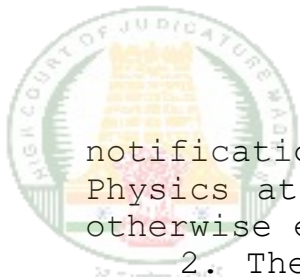
For Petitioner : Mr.K.P.Narayanakumar

For R1 : Mr.V.R.Shanmuganathan

For R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondent to include and add the teaching experience of the petitioner while doing Ph.D from 30.06.2010 to 22.01.2017 and award weightage mark along with other marks as scheduled in the



notification and appoint the petitioner as Assistant Professor in Physics at Tamilnadu Government Arts and Science College, if he is otherwise eligible.

2. The petitioner participated in the process of selection for appointment to the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges and Colleges of Education for the year 2018-19. The process of selection was already concluded and the learned counsel appearing for the Recruitment Board made a submission that the next recruitment was also notified by the competent authority.

3. With reference to the claim of the writ petitioner, the counter filed by the Recruitment Board states that the petitioner applied for the post of Assistant Professor in Physics in response to the notification and the petitioner possessed the following qualification and experience:-

- "(i) B.Sc - (Physics) completed in the year April 2000
- (ii) M.Sc - (Physics) completed in the year April 2002
- (iii) M.Phil - 2005 (Physics) completed in the year Feb 2005
- (iv) Ph.D - Registered in Ph.D Jan 2009 on part time basis
- (v) Teaching experience from 30.06.2010 to 21.01.2017 while doing Ph.D."

4. The qualification prescribed for the post of Assistant Professor as mentioned in the TRB Notification is as follows:-

"6.Qualifications:

a) Age Limit : Candidates should not have completed 57 years as on 01.07.2019 as the age of superannuation is 58 years.

b) Educational Qualification:

i. For General Candidates: A Pass in Post-Graduate Degree in the relevant subject with a minimum of 55% marks and a pass in the NET/SLET/SET/SLST/CSIR/JRF as per UGC Norms in the relevant subject.

(or)

A Pass in Post-Graduate Degree in the relevant subject with a minimum of 55% marks and Ph.D in the relevant subject awarded as per UGC norms (Certificate of compliance to be obtained from competent authority of the concerned University - to be submitted at the time of Certificate Verification).

(A Ph.D Degree that has been awarded in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degree) Regulations, 2009 or 2016 and



their amendments from time to time as the case may be exempted from NET/SLET/SET: Provided, the candidates registered for the Ph.D. programme prior to July 11, 2009 shall be governed by the provisions of the then existing Ordinances/Bye-laws/Regulations of the Institution awarding the degree and such Ph.D. candidates shall be exempted from the requirement of NET/SLET/SET for requirement and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfillment of the following conditions:-

a) The Ph.D. degree of the candidate has been awarded in a regular mode;

b) The Ph.D. thesis has been evaluated by at least two external examiners;

c) An open Ph.D. viva voce of the candidate has been conducted;

d) The candidate has published two research papers from his/her Ph.D. work, out of which at least one is in a refereed journal;

e) The candidate has presented at least two papers based on his/her Ph.D. work in conferences/seminars sponsored/funded/supported by the UGC/ICSSR/CSIR or any similar agency.

The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned.

ii. A 5% relaxation will be given to BC/BCM/MBC&DNC/SC/SCA/ST and Differently abled candidates (PWD candidates).

iii. As per the UGC Regulation dated 18th July 2018 proviso II-3.4-1 no grace marks will be allowed. For example if the score of a general candidate is 54.99% or a reserved category candidate score is 49.99% they are not eligible to apply.

iv. All the Educational qualifications should have been obtained prior to the date of this notification.

v. It is informed that candidate who have obtained a Bachelor's degree from a recognised University, under 10 + 2 + 3 pattern alone shall be considered for selection as per G.O.Ms.No.107, P & AR Department, dated 18.08.2009, G.O.Ms.No.116, P & AR (MD) Dept., dated 18.08.2010 and as prescribed in G.O. (Ms) No.242, Higher Education (B1) Department dated 18.12.2012. No other order / pattern will be accepted.



vi. The candidates who have obtained their M.Phil / Ph.D Degrees on or after 03.04.2009 through Correspondence/Distance Education/Open University System are ineligible for appointment as Lecturers / Assistant Professors in Colleges and Universities and also for awarding of weightage marks for Teaching Experience vide G.O.Ms.No.91, Higher Education (K2) Department, dated 03.04.2009 and clarification issued in Govt. Lr. No.8609A/F2/2014-1, dated 13.06.2014.

vii. Those who are obtained PG/Ph.D degree in foreign Universities shall obtain equivalence certificate from Association of Indian Universities, New Delhi. This has to be produced at the time of Certificate Verification.

viii. For the Special Recruitment to teach the deaf candidates, apart from the qualifications mentioned above, they should possess anyone of the following additional special qualifications.

a. Rehabilitation Council of India approved Disability related (Deaf) Course - Senior Diploma in Teaching the Deaf (Hearing Impairment)

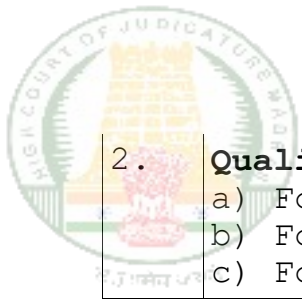
(or)

b. Special B.Ed in teaching the Hearing Impairment."

5. Perusal of the educational qualification as notified in the Recruitment Notification shows that the candidate must possess "Ph.D degree awarded in regular mode". However, the petitioner has secured Ph.D. Through part time course. Therefore, the Board has not awarded any mark to the petitioner. The marks awarded to the petitioner have also been narrated in para 6 of the counter, which reads as under:-

"6.It is submitted that 15 marks would be awarded maximum for Teaching Certificate out of 34 which is mentioned in the notification and is as follows:-

Sl. No.	Particulars	Marks (Maximum)
1.	For teaching experience in Universities / Government / aided 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)	15 Marks



2. Qualification	9 Marks (Maximum)
a) For Ph.D in concerned subject - 9 marks	
b) For M.Phil with SLET/NET/SET - 6 marks	
c) For PG and SLET/NET/SET - 5 Marks	
3. Interview	10 Marks
Total	34 Marks

6. Considering the facts and circumstances, the respondents arrived a conclusion that the petitioner has registered himself for Ph.D before July 2009 and he was exempted from NET/SET as per UGC Norms 2018 dated 18.07.2018. Moreover as on 30.06.2010, the petitioner has neither done NET/SET nor was a Ph.D holder. Hence, the claim of the petitioner for award of marks from 30.06.2010 to 22.01.2017 during which he has been doing his part time Ph.D was not considered by the competent authorities.

7. When the reasons stated are candid in respect of the consideration of the merits of the petitioner during the process of selection, this Court is of the considered opinion that the petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the writ petition and the writ petition is liable to be rejected.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road, Chennai-6.

2. The Director,
Directorate of College Education,
9th Floor, EVK Sampath Maligai,
DPI Complex, College Road, Chennai-6.

+1 CC to M/s.SPL.GP. (SR-22069[F] dated 28/04/2022)

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-22509[F] dated 29/04/2022)

W.P.(MD) No.25133 of 2019

27.04.2022

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