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W.P.No.15037 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.11.2023

PRONOUNCED ON : 17 .04.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.15037 of 2015
and
M.P.Nos.1 and 2 of 2015

Dr.A.Devaki

...Petitioner

Vs.

Tamil Nadu Teachers Education University,
Rep. by its Registrar,

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondent to consider and appoint the petitioner for the post of Associate Professor in the Department of Pedagogical Sciences and Department of Educational Planning and Administration as per their notification dated 22.01.2015 vide Advt.No.DIPR/50/Display/2015/22.01.2015 with effect from the date of the said notification and pay her all the monetary and other service benefits.

For petitioner	:	Mr.K.Srinivasa Murthy For M/s.Row and Reddy
For respondent	:	Ms.S.Buvaneshwari Standing Counsel



ORDER

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This writ petition is filed seeking for a direction to the respondent to appoint the petitioner for the post of Associate Professor in the Department of Pedagogical Sciences and Department of Educational Planning and Administration and pay her all the monetary and other service benefits.

2. The facts in brief culled out from the affidavit enclosed in the writ petition are as follows:

2.1. The petitioner has completed B.Sc.(Botany)., B.Lit, M.A.(Tamil), M.B.A.(Education Management)., M.Ed., M.Phil (Tamil), M.Phil (Education), Ph.D (Tamil) and she has published papers in various journals and also attended conferences across the globe.

2.2. The petitioner has submitted her application on 16.02.2015 with all the credentials, for the vacancies in the respondent's University. As there was no intimation with regard to the dates of interview to be held, the petitioner enquired the respondent and found that the candidates were secretly called to attend interview without publishing anywhere and that interviews were conducted on various dates, viz., 15 and 16 May 2015, by



calling the candidates through phone and the final interview was scheduled to be held on 23.05.2015. But the petitioner's name was not found in the list of candidates to be called for interview.

2.3. The petitioner submitted a representation dated 19.05.2015 to the respondent office and who has informed the petitioner that unless a Court order is received, she would not be called for an interview. Hence, the petitioner has come forward with the present writ petition.

3. Counter affidavit has been filed by the respondent stating that the respondent University has published notification dated 22.01.2015 for direct recruitment for 12 posts of Associate Professor and that as per the qualifications stipulated in the UGC/NCTE Regulations, the petitioner was not eligible for the said post since as on the date of notification the petitioner did not possess Ph.D degree in Education and she does not have eight years of experience after qualifying NET/SLET/Ph.D. in Education. It is mentioned further that the petitioner was working as an Associate Professor in Government College of Education, Komarapalayam, Namakkal District and she has not applied through proper channel and hence, this was also one of the criterion for not considering the petitioner's



application.

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4. It is further mentioned that the selected candidates for interview were communicated individually through speed post and interview was held on 15.05.2015 and out of the said 12 vacancies, only four posts were filled through the process of Interview held on 14 and 15 May,2015. The remaining post were unfilled due to non availability of suitable candidates.

5. Heard both sides and perused the materials available on record.

6. The petitioner who is stated to have the qualification for the post of Associate Professor in the Department of Pedagogical Sciences and Department of Educational Planning and Administration has applied on 16.02.2015 for the said post as per the notification dated 22.01.2015. The petitioner has inquired number of times with the respondent University regarding its date of interview and about its selection. On 19.05.2015 on enquiry with the respondent office the petitioner came to know that candidates have been called for interview secretly without publishing any



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details in the website. On further enquiry, she came to know that interview was conducted in piece meal manner and on 15 and 16 May some of the candidates were called over phone and interview and the final interview was scheduled on 23.05.2015. She also came to know that her name was not included in the list of candidates to be called for interview and thereby, filed this writ petition for a direction to the respondents to consider and appoint her to the post of Associate Professor in the Department of Pedagogical Sciences and Department of Educational Planning and Administration.

7. The contention of the respondent University is that the petitioner is not eligible to be appointed as Associate Professor and thereby her application was rightly rejected and her name was not included in the list of candidates called for interview.

8. As per the notification for appointment to the post of Associate Professor the qualification prescribed in UGC/NCTE are as follows:

Candidates applying should possess

(i) good academic record with Ph.D Degree in the



concerned/allied/relevant disciplines.

(ii) Master's Degree and M.Ed. With atleast 55 % of marks in both and

(iii) A minimum of eight years of experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College etc.

9. The petitioner is having Ph.D. in Tamil subject and not in the subject of Education. Even according to the petitioner though, she has pursued Ph.D in Education she has not completed the same. As per UGC norms one must possess Ph.D in relevant discipline or in Education and at any point of time Ph.D.Degree in Tamil cannot be said to be Ph.D Degree either in Education or allied or relevant discipline. Literature is altogether a different subject when compared to Education. Therefore, Ph.D in Tamil cannot be equivalent degree to that of the Ph.D in Education and hence, the petitioner's application was rejected by the respondents.

10. The tabular column below shows a comparative statement of the qualifications prescribed by UGC and the qualification possessed by



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the petitioner:

S.No	<i>Qualifications stipulated in the UGC/NCET Regulations.</i>	<i>Actual Qualifications of the Writ petitioner.</i>
1	Good academic record with a Ph.D. Degree in the concerned/allied/ relevant disciplines/Education.	Having Ph.D. Degree in Tamil and not in concerned subject of 'Education'. It is evident from the Petitioner's statement that she is pursuing Ph.D. in Education at present. Hence, she is not eligible.
2	A Master's Degree and M.Ed. with at least 55% of marks, in both.	A Master's Degree and M.Ed.with at M.A.-55%; M.Ed.-52%; least 55% of marks, in both
3	A Minimum of eight years of Petitioner is not having required no. of 8 experience of teaching and/or research years' experience after qualifying in academic/research position NET/SLET/Ph.D. in Education. Hence, she equivalent to that that of Assistant is not eligible. Professor in a University, College.	Petitioner is not having required No. of 8 years of experience after qualifying in NET/SLET/Ph.D in Education. Hence, she is not eligible.

Hence, according to the qualifications prescribed above the petitioner does not posses the requisite qualification at the time of submitting her application.

11. The petitioner was working as Associate Professor in Government College of Education, Komarapalayam, Namakkal District. She has submitted an application to the University directly through the Principal of the College and not through proper channel i.e., through



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Directorate of Collegiate Education, Chennai. According to the respondents unless an employee who has already been working has to submit his/her application through proper channel. The petitioner, though filed reply affidavit did not mention anything about this aspect. The petitioner has submitted her application through the Principal of the College, where she was working. It is the duty of the Principal to either forward it directly to the University or to the Directorate of Collegiate Education, Chennai. If the application required to be processed through Directorate of Collegiate Education, Chennai, then it is not the mistake committed by the petitioner but by the Principal of the College. The principal of the college to whom application was submitted is expected to forward through proper channel. Therefore that cannot be an impediment for not considering the petitioner's candidature for the post of Associate Professor, if the petitioner is otherwise eligible.

12. The petitioner has submitted that the she is having rich experience and has published many articles in various journals and attended conferences held at both national and international levels and thereby, the qualification of Ph.D Tamil and her experience in the said filed are related to Department of Education and it is further submitted by the



petitioner that as per the regulations of UGC/NCTE Ph.D Degree in Education is not mandatory requirement and if a person is having Ph.D Degree in the concerned or relevant discipline, then that is sufficient. However, the basic requirement for Associate Professor shall be Ph.D in Education and since the petitioner is not having the requisite qualification she is not eligible for the said post.

13. It is submitted by the learned counsel for the petitioner that out of the existing vacancies, six persons who are serving the respondent University two of them were having Ph.D History and thereby, it is not mandatory that for appointment to the post of Associate Professor one must have Ph.D in the very same field. However, the learned Additional Government Pleader has mentioned that the petitioner's contention that out of six persons, two of them are having Ph.D in History is completely incorrect and baseless and all the six persons are having Ph.D in Education.

14. The petitioner by way of reply affidavit submitted that in the counter affidavit filed by the respondents it is mentioned that NCTE by its



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notification dated 28.11.2014 has prescribed new norms for B.Ed and other educational institutions and also qualifications required for the staff.

Clause 5 of appendix 4 deals with the qualification required for the staff and as per clause 5.2. the required qualification is Ph.D in Education or in any pedagogic subject offered in any institution and that Tamil subject is one of the pedagogic subjects and the respondent University imparts Tamil language to its students. The respondents without noticing the 2014 regulations have been insisting that Ph.D in Education alone and refusing to consider even though the petitioner possesses Ph.D Tamil (pedagogic subject).

15. The contention of the petitioner is denied by the learned Additional Government Pleader and submitted that even though Clause 5.2 of the NCTE norms are applicable to the facts of the case, still Ph.D in Tamil cannot be said to be pedagogic subject of Ph.D in Education. Pedagogic Education is the study about knowledge, skills and methods that the educators use in practice of teaching from course design to content delivery. Pedagogy subject of Ph.D in Education is that one must have Ph.D in relevant field of Education. Therefore, a person having Ph.D Tamil cannot be appointed as Associate Professor in Education.



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16. When the matter was taken up for hearing and on going through the affidavit and counter affidavit, this Court has observed that the counter affidavit filed by the respondent was not clear on the aspect as to whether the respondent University has been following UGC/NCTE norms and thereby, direction was given to the respondents to file additional counter affidavit. As per the additional counter affidavit filed by the respondents the UGC Regulations 2010 prescribed minimum qualifications for appointment and other service conditions of the University and College Teachers, Librarians etc., and as per the said UGC regulations minimum qualifications for appointment of faculties in Education were formulated in consultations with National Council for Teacher Education (NCTE). As per Clause B(ii) 4.4.7 of the regulations for the post of Associate Professor the minimum qualification is Ph.D. in Education.

17. It is further stated in the counter affidavit that as per Chapter XVI of the Statues of Tamil Nadu Teachers Education University deals with University Departments as it governs University Department of Study and Research and approved by NCTE at all levels in the State and also develop research facilities in teachers education. The Department of



Pedagogical Sciences and Department of Educational Planning & Administration comes under this Chapter where the required qualification for appointment of teachers is given in clause 6 is as under:

“Qualifications for teachers in the Departments of the University and Affiliated Colleges shall be as per the UGC/NCTE and guidelines issued from time to time by the State Government/University.”

18. Therefore, on considering the above, it is clear that qualification for appointment of Teachers will be governed by UGC/NCTE norms and clause B (ii)4.4.7 of the regulation prescribed that Ph.D in Education is must for appointment to the post of Associate Professor. Therefore, even as per UGC/NCTE regulations since the petitioner is not having Ph.D in Education her application for the post of Associate Professor was rightly rejected.

19. This writ petitioner has been filed for issuance of mandamus to appoint the petitioner for the post of Associate Professor. This writ petition has infact become infructuous as on the date of filing of this writ petition in the year 2015. This Court on 21.05.2015 has passed interim



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order and the said order was served only on 08.06.2015. According to the respondents, though the impugned orders of this Court was received on 08.06.2015, interview was scheduled on 14 and 15 of May 2015, that means much before 23.05.2015 the interview was completed. As seen from the affidavit of the petitioner, the petitioner mentioned that interview was conducted on 14 and 15 May and that on 23.05.2015 final interview was conducted. However, the respondents are clear that the interview was not conducted on 23.05.2015 as it was a holiday and interview was conducted only on 14th and 15th of May. The selection of candidates were completed as on the date of filing of this writ petition. Further, even otherwise according to the respondents the impugned orders were served on them only on 08.06.2015 by which date the entire selection process was over thereby, this writ petition becomes infructuous.

20. Therefore, in view of the above, this Court is of the opinion that rejection of application of the petitioner for the post of Associate Profession on the ground that she does not have requisite qualification of education and that she does not have 8 years of experience is appropriate.

DR. D.NAGARJUN,J.

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21. Accordingly, this writ petition is dismissed. Connected M.P.is closed. No costs.

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To:

The Registrar,
Tamil Nadu Teachers Education University,
Chennai - 600 005.

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