



WEB COPY

W.P.Nos.12045 & 12046 of 2010



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.Nos.12045 of 2010 & 12046 of 2010
and M.P.Nos.1 & 1 of 2010

D. Maheswari

... Petitioner
in both WPs

-Vs-

1. University Grants Commission
Rep.by its Secretary
Bahadurshah Zafar Marg,
New Delhi 110 022.

2. The Teachers Recruitment Board,
Rep.by its Chairman,
EVK Sampath Maligai,
DPI Compound,
College Road, Chennai 600 006.

3. The Bharathiyar University
Rep.by its Registrar
Coimbatore 641 046.

... Respondents
in both WPs

Prayer in W.P.No.12045 of 2010 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration declaring the University Grants Commission (Minimum Qualifications required for appointment and career Advancement of Teachers in Universities and Institutions affiliated to it Regulations 2009 notified on 11.07.2009 as



arbitrary and violative of article 14 and 16 of the Constitution in so far as NET/SLET has been made as a minimum qualification for lecturer post without giving special exemption for candidates who got their M.Phil prior to 31.12.1993.

Prayer in W.P.No.12046 of 2010 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to directing to forbear the respondents from insisting on NET/SLET qualification for persons who have passed M.Phil prior to 1993 for being eligible to apply for the post of Assistant Professors in Tamil Nadu Collegiate Educational Services and consequently direct the 2nd respondent to entertain the application of the petitioner for the post of Assistant Professors in Tamil Nadu Collegiate Educational Service pursuant to the notice dated 29.03.2010 issued by the 2nd respondent and consider the petitioner for the said posts without imposing the condition of requirement of NET/SLET qualification.

For Petitioner : Mrs.C.Uma
in both WPs

For Respondents : Mr.P.R.Gopinathan for R1
Mr.C.Kathiravan for R2
Mr.L.P.Shanmugasundaram for R3
in both WPs

COMMON ORDER

The grievance of the petitioner is that she has passed M.Phil prior to 1993 and therefore the impugned notification should not be applied to her. It is now seen that the petitioner is aged 61 years and therefore she has crossed the



age of superannuation. Considering the efflux of time, the grievance of the petitioner cannot be redressed at this stage. The question of validity need not be gone in the present case, as the jurisdiction under Article 226 of Constitution of India cannot be exercised merely for academic purposes and this is not a public interest litigation. Therefore, leaving open the issue to be decided in an appropriate case, these writ petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are also closed.

26.02.2024

Index : Yes/No

Speaking order/Non-speaking order
dpq

To

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D. BHARATHA CHAKRAVARTHY, J.

dpq

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