



WEB COPY

W.P.No.3424 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.3424 of 2021 and
W.M.P.Nos.3916, 3918, 3922 & 3927 of 2021

- 1.S.Boopathi
- 2.S.Mohan
- 3.C.Subasri
- 4.K.P.Kavitha
- 5.S.Anitha
- 6.K.Devika
- 7.D.Muthulakshmi
- 8.G.Kasi
- 9.K.Manopriya
- 10.N.Ponmuthu
- 11.P.Senthilkumar
- 12.A.Balamurugan
- 13.V.Kathirvel
- 14.M.A.Poornima Priya Dharshini
- 15.R.Ananda Dhanalakshmi
- 16.R.Gopalakrsihnan

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Educational Department,
Fort St. George, Chennai 600 009.
- 2.Teachers Recruitment Board,
Rep by its Chairman,
EVK Sampath Maaligai,
DPI Campus, Collge Road,



Chennai 600 006.

3.The University Grants Commission,
Rep by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare that the petitioners who are working as Guest Lecturers for more than 5 to 15 years and who have acquired M.Phil degree prior recruitment and appointment as Assistant Professors or any equivalent position in any Universities, Colleges and Institutions as per G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021 and the University consequently direct the respondents 1 and 2 to appoint the petitioners as Assistant Professors or any equivalent position in any Universities, Colleges or Institutions.

For Petitioner : Mrs.C.Uma

For Respondents : Mr.C.Jayaprakash, GA for R1
Mr.K.Sathishkumar for R2
Mrs.V.Sudha for R3

ORDER

This Writ Petition has been filed for declaring the petitioners, who are working as Guest Lecturers for more than 5 to 15 years and who have acquired M.Phil degree prior to recruitment and appointment as Assistant



Professors or any equivalent position in any Universities, Colleges and Institutions as per G.O.Ms.No.5, Higher Education (H1) Department, dated 11.01.2021 and the University consequently to direct the respondents 1 and 2 to appoint the petitioners as Assistant Professors or any equivalent position in any Universities, Colleges or Institutions.

2.Heard the learned counsel on either side and also perused the materials available on record.

3.The case of the petitioners herein is similar to that of the dispute which arose in the Writ Appeal in W.A.No.612 of 2020 (*G.Rajam and others Vs. the Principal Secretary to Government of Tamil Nadu*). In the said Writ Appeal, the Hon'ble Division Bench of this Court has passed the following order:

“ 21.By taking into account of the above position, only Ph.D degree holders are exempted from the requirement of minimum educational qualification for NET/SLET/SET for recruitment and appointment as Assistant Professors. The appellants herein are all admittedly possessing only M.Phil degree obtained prior to 11.07.2009 and are not entitled to seek any exemption. Therefore the approach of the learned



WEB COPY

W.P.No.3424 of



Single Judge is not erroneous and we do not find any reason to interfere with the orders passed by the learned Single Judge. Therefore, the above Writ Appeal is liable to fail and is accordingly dismissed.”

4. The subject matter in issue is also similar to that of the Writ Appeal filed in W.A.No.612 of 2020, in which the aforesaid order has been passed. Since the petitioners are also similarly placed as that of the petitioners in W.A.No.612 of 2020, their case would also have the similar line of appreciation involved in the above Writ Appeal. Hence, they are not entitled to seek any exemption.

5. In the light of the order passed by the Hon'ble Division Bench of this Court in the Writ Appeal as stated supra, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.09.2024

vkf

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



W.P.No.3424 of

WEB COPY

- To
- 1.The Principal Secretary to Government,
Higher Educational Department,
Fort St. George, Chennai 600 009.
 - 2.Teachers Recruitment Board,
Rep by its Chairman,
EVK Sampath Maaligai,
DPI Campus, Collge Road,
Chennai 600 006.



W.P.No.3424 of



VIVEK KUMAR SINGH, J.

vk

W.P.No.3424 of 2021 and
W.M.P.Nos.3916, 3918, 3922 & 3927 of 2021

18.09.2024