



WEB COPY



W.P.Nos.2758,2761,2763
& 3524 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.2758,2761,2763 & 3524 of 2020

and

W.M.P.Nos.3211, 3216,3213,4128,4126 & 4125 of 2020

Sanjeevi Prasad	..Petitioner in W.P.No.2758 of 2020
S.Parthiban	..Petitioner in W.P.No.2761 of 2020
V.Rajakanna	..Petitioner in W.P.No.2763 of 2020
N.Balasubramanian	..Petitioner in W.P.No.3524 of 2020

-Vs-

1.University Grants Commission,
Rep. by its Secretary,
No.9, Bahadurshah Zafar Marg,
New Delhi

2.University of Madras
Rep. by its Registrar
Chepauk, Chennai – 600 005.

...Respondents in all W.Ps.

Prayer in all W.Ps: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the clause 9 of Notification in the part of “Instruction to applicants for the faculty Position” dated 05.01.2020 issued by the University of Madras viz., the 2nd respondent herein in so far as proposing that “Post Doctoral Wok or



W.P.Nos.2758,2761,2763
& 3524 of 2020

Research Assistant / Associate in research faculty / TRF will not be considered as teaching / research /experience to meet the essential qualification requirement” and quash the said clause as ultra vires and against the notification No.F.1-2/2017 (EC/PS) issued by 1st respondent dated 18-07-2018 and to consequently direct the respondents to consider the petitioner's past experience as Guest Lecturer and Research Associate as teaching experience to meet the essential qualification for the post of direct requirement as Associate Professor.

In all W.Ps.,

For Petitioner : Mr.A.K.Rajaraman
For R1 : Mrs.V.Sudha
Central Government Standing Counsel
For R2 : Mr.A.S.Vijayaraghavan
Standing Counsel

ORDER

These Writ Petitions have been filed challenging the Clause 9 of the notification dated 05.01.2020 issued by the second respondent, thereby inviting applications to fill up the vacancies for the post of Assistant Professors, Associate Professors and Professors.

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



W.P.Nos.2758,2761,2763
& 3524 of 2020

WEB COPY

3. The petitioners were serving as Assistant Professor in their respective college in various subjects. They were qualified with Doctoral Program and in the capacity as Guest Lecturer and also as Assistant Professor. While being so, the second respondent issued notification dated 05.01.2020, calling for the post of Assistant Professors, Associate Professors and Professors, in order to fill 32 vacancies. The petitioners submitted their applications for the post of Associate Professor in their respective subjects. As per the notification, the eligibility criteria for the post of Associate Professor is as follows :

(i) A good academic record, with a Ph.D. Degree in the concerned/allied/relevant disciplines.

(ii) A Master's Degree with at least 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed).

(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 or Accredited Research Institution / Industry with a minimum of seven publications in the peer-reviewed or UGC-listed journals and a total research score of Seventy five (75) as per the criteria given in Appendix II, Table 2 (UGC Notification dated July 18, 2018). ”



W.P.Nos.2758,2761,2763
& 3524 of 2020

WEB COPY

4. The petitioners fulfilled the essential qualifications for the posts of Associate Professor and applied for the same. In addition to the eligible criteria, as per the notification Clause 9 says that the post Doctoral work or research assistant / associate in research project / Guest Faculty / TRF will not be considered as teaching / research experience to meet the essential qualification requirement. The primary part of the notification sub clause (iii) of Point No.2, which speaks about the details of post and qualification requirements, the eligibility for Associate Professor. Whereas, Clause 9 of the instruction rather qualifying the eligibility, it creates a sweeping embargo and disqualifies the post Doctoral work or research assistant / associate in research project / guest faculty / TRF services. It is sweeping bar towards the past experience on teaching / research capacities.

5. In fact, the counting of past services for direct requirement had not expelled the TRF / Post Doctoral work or research assistant / associate in research project in any manner whatsoever. Sub-clause (f) of 10 of Notification issued by the first respondent dated 18.07.2018 with regard to minimum qualifications for appointment of teachers and other staffs in universities and colleges and measures for the maintenance of standards in higher education reads as follows :



W.P.Nos.2758,2761,2763
& 3524 of 2020

WEB COPY

“The previous AD-hoc or Temporary or contractual service (by whatever nomenclature it may be called) shall be counted for direct recruitment and for promotion, provided that (i) the essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor, as the case may be, (ii) the incumbent was appointed on the recommendation of a duly constituted Selection Committee / Selection Committee constituted as per the rules of the respective university ; (iii) the incumbent was drawing total gross emoluments not less than the monthly gross salary of a regularly appointed Assistant Professor, Associate Professor and Professor, as the case may be”.

6. While it is being so, the second respondent issued instructions in the nature of disqualifying the qualified candidates, is which against the norms of the first respondent in respect of counting past services of the candidate and it is ultra vires as well.

7. The learned counsel appearing for the second respondent submitted that in view of the interim order passed by this Court, the selection process was done and it is kept in abeyance. As per the notification, the



W.P.Nos.2758,2761,2763
& 3524 of 2020

petitioners are not qualified to apply for the post of Associate Professor. As per the UGC regulation dated 18.07.2018 only experience equal to Assistant Professor level only be counted. Therefore, the appointment of the petitioner is as temporary Research Assistant and post Doctoral work and hence the earlier service of the petitioners cannot be considered for reckoning their experience.

8. As per Clause No.9 of the notification, it disqualifies the incumbents served as Guest Faculty/TRF/Research Associate/post Doctoral Research from claim as teaching/research experience as part of essential qualification. It is against the regulation /standards set out by the respondents. Further, Clause 9 ousting out all the candidates who served as post Doctoral work or research assistant / Associate in research project / Guest Faculty (Full-time)/Teaching cum Research Fellow.

9. In view of the above, Clause 9 of the notification issued by the first respondent dated 18.07.2018 cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed. In view of no further progress, as per the notification, the second respondent is directed to issue fresh notification with modified instructions as per the UGC regulations, inviting applications to



W.P.Nos.2758,2761,2763
& 3524 of 2020

the post of Assistant Professors, Associate Professors and Professors as per the
vacancy.

10. In the result, these writ petitions stand allowed. Consequently,
connected miscellaneous petitions are closed. No costs.

03.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1.The Secretary,
University Grants Commission,
No.9, Bahadurshah Zafar Marg,
New Delhi

2.The Registrar,
University of Madras
Chepauk, Chennai – 600 005.



WEB COPY



W.P.Nos.2758,2761,2763
& 3524 of 2020

G.K.ILANTHIRAIYAN. J.

Lpp

W.P.Nos.2758,2761,2763 & 3524 of 2020
and
W.M.P.Nos.3211, 3216,3213,4128,4126 & 4125 of 2020

03.09.2024