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W.P.No.22041 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:15.02.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.22041 of 2018

and

Writ Miscellaneous Petition Nos.25836 & 25837 of 2018

A.S.Gayathiri

.. Petitioner

/versus/

1.The Secretary to Government,
Law Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Chairman,
Teachers' Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.

3.The Member Secretary,
Teachers' Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorarified



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Mandamus, calling for the records relating to the impugned conditions (ii) & (iv) of Clause-5 of the Notification issued by the 3rd respondent vide Notification No.2/2018 dated 18.07.2018 quash the same in so far as the petitioner is concerned and consequently allow the petitioner to participate in the recruitment process by issuing hall-ticket, attending examination and further selection process to the post of “Assistant Professor (Pre-Law)(Political Science)”.

For Petitioner :Mr.K.Muthu Ganesa Pandian

For R1 :Mr.V.Manoharan,
Additional Government
Pleader

For R2 and R3 :Mr.C.Kathiravan,
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the conditions (ii) & (iv) of Clause-5 of the Notification issued by the 3rd respondent, vide Notification No.2/2018 dated 18.07.2018 in so far as the petitioner is concerned and for the consequent relief to allow the petitioner to participate in the recruitment process by issuing hall-ticket to attend the examination and for further selection process to the post of “Assistant Professor (Pre-Law)(Political Science)”.



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2. On behalf of the respondents, counter-affidavit has been filed.

3. The case of the petitioner is that he is the native of Tamil Nadu and currently residing in Delhi. He is qualified in M.A., (Political Science) from Jawaharlal Nehru University in 2010 and he has also qualified in NET, JRF in June 2010. He has been awarded M.Phil from Jawaharlal Nehru University in the year 2012 and he has also submitted his Ph.D Thesis on “Gender concerns in the Laws and Practices of Development Induced Displacement: A Comparative Study of India and Bangladesh” in 2017. He has also presented Research Papers in National and International Conferences. He has worked as Assistant Professor (Pre-Law) in G.D.Goenka University and having teaching experience as Assistant Professor (Pre-Law). He was also a Guest Faculty at Ansal University. As such, he is fully qualified to hold the post of Assistant Professor (Pre-Law) on Political Science.

4.The respondents issued Notification No.2 of 2018 dated 18.07.2018 notifying 186 vacancies of Assistant Professors (Pre-Law) in



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several fields in Government Law Colleges in the State of Tamil Nadu out of the several vacancies for the post of Assistant Professor (Pre-law) (Political Science). In the said Notification, the petitioner is challenging the conditions (ii) & (iv) of Clause-5. In fact, at the stage of admission, there is no an interim direction.

5.Now, during the course of hearing, the learned Additional Government Pleader appearing for the 1st respondent submits that already selection process is completed and appointment order also issued to the selected candidates.

6.The learned Additional Government Pleader appearing for the 1st respondent further submits that a similar issue was raised in the Writ Petition No.32405 of 2017 and that Writ Petition was dismissed by its order dated 13.12.2017 holding that the Statement Government is entitled to fix higher qualification than the norms prescribed by the UGC. The said order was upheld by the Division Bench of this Court in W.A.No.533 of 2018 by its order dated 09.03.2018.



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7.In the light of the order dated 13.12.2017 in W.P.No.32405 of 2017 and the order dated 09.03.2018 in W.A.No.533 of 2018, in our considered view, nothing survives in the Writ Petition for further adjudication, as already the issue raised in the present Writ Petition was settled by this Court.

8.Accordingly, this Writ Petition is dismissed.

9.Consequently, connected Miscellaneous Petitions are closed.

10.There shall be no order as to costs.

15.02.2024

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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BATTU DEVANAND,J.

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