



W.A.No.2938 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.2938 of 2021
and
C.M.P.No.19921 of 2021

The Chairman
Teachers Recruitment Board,
Chennai 6.

... Appellant

Vs.

1. Dr.A. Duraisami

2. State Of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai 9.

3. Director Of Collegiate Education,
Chennai-6.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 13.07.2021 made in WP No.899 of 2015 on the file of this Hon'ble Court.

For Appellant : Mr.R.Neelakandan,
Additional Advocate General.



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For Respondents : Mr.B.Balavijayan for
M/s.E.S. Associates (for R1)
: Mr.D.Ravichander,
Special Government Pleader
(for R2 & R3).

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The process of selection for appointment to the post of Assistant Professor in Collegiate Education Department was completed in all respects in the year 2015. The notification was issued in the year 2013. The selected candidates joined and serving for about 9 years.

2. The dispute raised by the first respondent in the writ petition is that the original award of 14 marks for his teaching experience was revised to 13 marks which resulted in non-selection.

3. The learned Additional Advocate General would submit that pursuant to the judgement in Review Application No.3 of 2017, the Teachers Recruitment Board had reviewed the marks allotted for teaching experience to all the candidates and in this regard, Corrigendum III dated 12.08.2013



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was followed. Since the original writ order was passed without considering Corrigendum III dated 12.08.2013, the State preferred Review Application No.3 of 2017, which was allowed by the Writ Court.

4. Applying the conditions stipulated in Corrigendum III dated 12.8.2013, the marks awarded to all the candidates for teaching experience have been reviewed. Unfortunately, the teaching experience marks awarded to the first respondent was reduced by one mark. Since the condition was uniformly followed to all the candidates who participated in the process of selection and the selection process was concluded in the year 2015, we do not find any reason to interfere in respect of the decision taken by the Teachers Recruitment Board. Overturning the process undertaken in respect of one candidate would result in opening of Pandora's box. The issues were settled in respect of all the candidates participated in the process of selection by uniformly applying the conditions stipulated in Corrigendum III dated 12.08.2013. Settled selection cannot be unsettled now after several years.

5. The issue has already been considered by the Division Bench of this Court in Writ Appeal No.1885 of 2022 dated 31.7.2023 and the relevant paragraphs are extracted hereunder:



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“12. When such being the position, the learned Judge has passed the impugned order in the writ petition filed by the respondent herein, following the aforesaid orders originally passed in WP.No.18186 of 2013 dated 12.07.2013 and WP(MD)No.20173 of 2014 dated 02.03.2015. According to the learned Additional Advocate General appearing for the appellants, the writ petitioner has suppressed the being mentioned order dated 23.07.2013 passed in WP.No.18186 of 2013 and sought the relief of awarding teaching experience marks. It is evident from the order impugned herein that the learned Judge allowed the claim of the respondent herein, on the basis of the orders originally passed in WP.No.18186 of 2013 and WP(MD)No.20173 of 2014. As already stated supra, the said two orders passed by the writ court was subsequently, modified at the instance of the appellants herein. Based on the same, Corrigendum III dated 02.08.2013 came to be issued, as per which, the respondent herein is not entitled for weightage marks for the periods viz., from 05.06.2000 to 31.05.2001, from 01.06.2001 to 31.05.2002, from 01.06.2002 to 31.05.2003, from 06.06.2003 to 31.05.2004, from 01.06.2004 to 31.05.2005, from 01.06.2005 to 31.05.2006 and from 06.09.2011 to 31.08.2012, as he was not in possession of requisite qualification and therefore, the said period was not taken into consideration for awarding marks of teaching experience, according to the



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appellants. In this regard, it is relevant to refer to the averments made in paragraphs 6 and 7 of the additional memorandum of grounds filed by the appellants on 22.02.2023, which reads as under:

“6.The learned Judge ought to have considered that the Respondent / Writ Petitioner while submitting his applicant-s Self-description form claimed to provided teaching experience marks only for the following colleges. The relevant portion is stated as follows:

S.No.	Name of the Post	Place of working (with address)	Period of working		Total period of working	
			From	To	Year	Month
	2	3	4	5	6	7
1.	Assistant Professor	Park College of Engg and Tech, Coimbatore	05.06.2000	06.09.2010	10	03
2.	Professor	RVS Technical Campus, Coimbatore	06.09.2011	15.07.2013	01	10

7.The Learned Judge ought to have considered that the Respondent / Writ Petitioner during certificate verification has submitted only the above-said experience certificates. Since the Respondent / Writ Petitioner has not possessed NET/SLET and completed Ph.D only in the year 2012, he can be considered only under serial No.5 on the basis of his M.Phil degree which is exempted from NET/SLET and Ph.D to take classes for UG degree as the Corrigendum III dated 02.08.2013 of the Teachers Recruitment Board, the Certificate verification Board has taken only the below eligible period for awarding weightage marks. Hence, he is not entitled to award 15 marks for the teaching experience.

From	To	Weightage marks awarded
14.06.2006	31.05.2007	2 marks
01.06.2007	31.05.2010	6 marks
01.06.2010	06.09.2010	1 mark
04.08.2012	31.05.2013	2 marks



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From	To	Weightage marks awarded
		11 marks

Thus, it is revealed from the above that after the order passed in WP.No.18186 of 2013 was clarified / modified on 23.07.2013, Corrigendum III dated 02.08.2013 came to be issued by deleting “(or) M.Phil completed before 31.12.2002” insofar as sl.no.4 is concerned, with respect to the qualification prescribed for awarding marks for the teaching experience; and according to the said Corrigendum, the respondent was considered under serial no.5, on the basis of his M.Phil degree, as it is an admitted fact that he has not possessed NET/SLET and completed Ph.D. only in the year 2012.

13. Therefore, this Court is of the opinion that the order issued by the learned Judge, directing the appellants to appoint the respondent as an Assistant Professor, following the orders originally issued in WP.No.18186 of 2013 and WP(MD)No.20173 of 2014, which were subsequently modified on 23.07.2013 and 02.02.2021, leading to the issuance of Corrigendum III, as per which, the respondent is not entitled for the claim as prayed in the writ petition, has no legs to stand and hence, the same deserves to be dismissed.



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14. At this juncture, it may not be out of place to mention that during the pendency of the proceedings, the Board conducted the entire recruitment process by following the Corrigendum III and finalised the recruitment for the year 2012; and that, the respondent / writ petitioner has attained the superannuation in December 2022.”

6. For all these reasons, we are inclined to interfere with the writ order. Accordingly, the order passed in W.P.No.899 of 2015, dated 13.07.2021, is set aside and consequently, the Writ Appeal No.2938 of 2021 stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

01.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

1. State Of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai 9.



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2. Director Of Collegiate Education,
Chennai-6.



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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