



WP.No.28595 of 2024

In the High Court of Judicature at Madras

**Reserved on :
17.10.2024**

**Delivered on :
19.10.2024**

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.28595 of 2024

Dr.R.Elavarasan

...Petitioner

Vs

1.The Director of Collegiate
Education, No.577,
Anna Salai, Saidapet,
Chennai-15.

2.The Junior Director,
Department of Collegiate
Education, Saidapet,
Chennai-15.

3.The Pachaiyappa's Trust
Board, rep.by its Secretary,
Pachaiyappa's College
Campus, Chennai-30.

4.The College Committee,
Pachaiyappa's Trust Board,
Pachaiyappa's College Campus,
Chennai-30.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 3 and 4 to award 9 marks to the petitioner as per the UGC Regulations and allow the petitioner to participate in the interview scheduled to be held



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from 27.9.2024 to 29.9.2024 in the 3rd respondent office and consequently select and appoint the petitioner to the post of Assistant Professor in the Department of Commerce in the 3rd respondent college.

For Petitioner : Mr.K.Balu
For R1 & R2 : Mr.K.Surendran, AGP
For R3 & R4 : Mr.E.Omprakash, SC for
Mr.M.R.Jothimanian,
Standing Counsel

ORDER

This writ petition has been filed seeking for the issuance of a Writ of Mandamus directing respondents 3 and 4 to award additional marks to the petitioner as per the Regulations of the University Grants Commission (UGC), allow the petitioner to participate in the interview and consequently appoint the petitioner to the post of Assistant Professor in the Department of Commerce of the third respondent college.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1 and 2 and the learned Senior Counsel appearing on behalf of the learned Standing Counsel appearing for respondents 3 and 4.



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3. The case of the petitioner is as follows :

(i) The third respondent issued a Notification dated 01.2.2024 calling for applications for direct recruitment to the post of Assistant Professors/Librarian/Director of Physical Education in the Pachaiyappa's Trust Board Aided Colleges at Chennai, Kanchipuram and Cuddalore. The petitioner applied to the post of Assistant Professor in the Department of Commerce through online mode under the MBC category. He had also enclosed all the relevant certificates. That apart, he had also submitted the research publications made by him and the awards secured by him as the best teacher in the field of education.

(ii) The grievance of the petitioner is that he was not called for certificate verification and for interview in spite of possessing all necessary qualifications and in spite of securing sufficient marks. It is under these circumstances, the petitioner has filed the above writ petition before this Court.

4. Respondents 3 and 4 filed a counter affidavit. The relevant portions in the counter affidavit are extracted as hereunder :

"14. I respectfully submit that the selection and appointment to the post of Assistant Professors are governing by the UGC Regulations and therefore, 3rd respondent has followed the UGC Regulations in the



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matter of direct recruitment to the post of Assistant Professors. In pursuant to Notification dated 01.2.2024, the petitioner applied under two categories and his candidature has been considered by the third respondent as per the UGC Regulations. But, the petitioner has not come within the zone of consideration based on marks awarded to him as per the UGC Regulations. The marks of the writ petitioner are as follows :

Appl.No.	Name	Subject	Comm unity	Marks	Cut off
3232677453	R.Elavarasan	Commerce	MBC	71	72
5652876141	R.Elavarasan	Commerce	GT	71	83

Therefore, the petitioner has not satisfied eligibility criteria as per the UGC Regulations and meritorious candidates were selected at the ratio of 1 : 5. Hence, the petitioner is not within the zone of consideration in either of categories and he was not called for an interview based on marks.

15. I respectfully submit that averments in made para 4 to 7 are totally incorrect and misleading the facts before this Hon'ble Court. It is respectfully submitted that the petitioner has applied through online and UG mark statements have not been enclosed along with application and therefore, the Scrutiny Committee awarded 10 marks based on the degree certificate (UG degree), for which, there was an endorsement made by the Scrutiny Committee in his application. Therefore, we have not committed any mistake as alleged by the petitioner and therefore, the contention of the writ petitioner is totally unsustainable in law.

16. I respectfully submit that the petitioner has not approached either this Hon'ble Court or learned Administrator in time, since applications were scrutinized and short-listed candidates in the month of



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first week of March 2024. Subsequently, dates for interviews have been fixed on 11.3.2024, 12.3.2024 and 13.3.2024. However, the claim of the petitioner is to be considered based on his mark statement, but he has approached this Hon'ble Court after lapse of seven months and in the last minute. Therefore, his claim ought not to be entertained on the ground of laches and delay and also failed to enclose the UG mark statement along with the application.

17. I respectfully submit that UGC Regulations as well as provisions of Tamil Nadu Private Colleges (Regulations) Act and its Rules, 1976 have been duly followed by the management and the entire selection process undertaken by the management based on the UGC Regulations, 2018. Further, there is no material to show that the management has acted against the UGC Regulations as well as Acts and Rules of the year 1976. Hence, contentions of the petitioner are totally incorrect, misleading facts and unsustainable in view of recruitment process undertaken by the learned Administrator of the third respondent trust.

18. I respectfully submit that fair and transparent recruitment process undertaken by the learned Administrator as per the UGC Regulations and therefore, there are no irregularities and illegalities in the entire selection process done based on the Notification dated 01.2.2024. I respectfully submit that at every stage, the management has struggled to complete the selection process on various reasons and finally the Hon'ble Court has only protected the interests of the institution and monitored the entire selection process. Now, the entire selection process has been completed and selected 125 candidates based on their marks and appointed them as per the UGC Regulations and that too, in a transparent



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manner only. Hence, the writ petition is totally unsustainable in view of the above stated facts and also legally not tenable."

5. The only issue that arises for consideration in this writ petition is as to whether the petitioner secured sufficient marks to be considered for appointment to the post of Assistant Professor in the Department of Commerce of the third respondent under the MBC category.

6. The petitioner has taken a specific stand that he is entitled to be awarded 80 marks in the following manner :

1	Graduation	16
2	Post Graduation	20
3	Ph.D.	25
4	Research Publication	6
5	Teaching/Post Doctoral Experience	10
6	Awards	3
	Total mark	80

7. The grievance of the petitioner is that the candidates, who have secured lesser marks than the petitioner under the MBC category, were sent the call letters for certificate verification and for interview. That apart, the petitioner was informed by the third respondent that he had secured only 71 marks, which, according to



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the petitioner, is against the UGC Regulations, which govern the awarding of marks.

8. The controversy is confined only with respect to the marks awarded to the petitioner under the captions '**graduation**' and '**awards**'. Further, under all the other heads, the marks expected by the petitioner have been granted.

9. In so far as the marks granted under the caption '**graduation**' is concerned, the petitioner was expecting 16 marks as per Table 3B of the Regulations of the UGC since the petitioner secured 59.48% in Under-Graduation. As per the UGC Regulations, when a candidate secures 55% to less than 60%, he would be entitled to 16 marks. According to the petitioner, instead, the third respondent awarded only 10 marks to the petitioner under the head '**graduation**'.

10. This is in view of the fact that the petitioner had only enclosed the degree certificate (UG degree) without enclosing the statements of marks secured by him. In view of the same, the third respondent was not clear as to the percentage of marks secured by the petitioner. Hence, 10 marks were awarded under this head since it has been mentioned in the UG degree certificate that the petitioner



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had secured second class and therefore, the petitioner was brought within the category of 45% to less than 55% under Table 3B of the UGC Regulations.

11. This Court has carefully gone through the entire original file that was placed before this Court, in which, it is seen that the petitioner had enclosed only the degree certificate without enclosing the statements of marks. Even though the petitioner had stated in the application that he had secured 59.48% of marks, there was no material to substantiate the same. Therefore, the Scrutiny Committee awarded only 10 marks to the petitioner based on the degree certificate. The above decision taken by the Scrutiny Committee to award 10 marks under the category of '**graduation**' cannot be faulted.

12. When the petitioner submitted the application, he is duty bound to enclose all the relevant documents. Since the petitioner has not chosen to enclose the statements of marks, there was no material before the Scrutiny Committee to ascertain the exact percentage of marks secured by the petitioner. Hence, the Scrutiny Committee went by the degree certificate, which merely stated that the petitioner had secured second class.



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13. The next issue pertains to the claim made by the petitioner for awarding three marks under the head '**awards**'.

14. The petitioner, in order to substantiate this claim, relied upon a certificate given by the Lions Club of Chennai appreciating the outstanding performance of the petitioner in the field of education and conferring him with the best teacher award during the teachers' day celebrations in the year 2020.

15. The award that has been relied upon by the petitioner does not fall under Table 3B of the UGC Regulations. What has been recognized is the international/national level awards given by international organizations/Government of India recognized national level bodies. The other award that is recognized is the State level award given by the State Government. Hence, the certificate of appreciation given to the petitioner by the Lions Club, Chennai certainly does not fall under any of the above categories.

16. In the light of the above discussions, this Court does not find any reason to interfere with the marks as awarded by the Scrutiny Committee. In view of the same, the petitioner does not come within



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the zone of consideration under the MBC category since the cut off mark has been fixed as 72. The petitioner also does not come within the ambit of General Turn since the cut off mark has been fixed as 83. Hence, the relief as sought for by the petitioner cannot be granted by this Court.

17. Accordingly, the writ petition is dismissed. No costs.

19.10.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No

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N.ANAND VENKATESH,J

RS

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