



W.P.(MD)No.10851 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10851 of 2024

and

W.M.P.(MD).No.9676 of 2024

- 1.S.Saravanan
- 2.D.Loga Padma Priya
- 3.K.Vaijyanthi
- 4.R.Uma Mageshwari
- 5.N.Nasrin Farsana
- 6.G.Rajam
- 7.V.Kathirvel
- 8.D.Mekala
- 9.P.Mohanambal
- 10.M.Shanthi
- 11.K.Vinotha
- 12.T.Jayasudha
- 13.R.Kanagambal
- 14.N.Pon Muthu

... Petitioners



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Vs.

- 1.The University Grants Commission,
Rep. by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
- 2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600 009.
- 3.Teachers Recruitment Board,
Rep. by its Chairman,
EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to conduct certificate verification and permit the petitioners to participate in the selection for the post of Assistant Professor as per G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020 by considering their qualification as on the date of their appointment as Guest Lecturers in the light of G.O.Ms.No.305 of 2022 dated 26.12.2022.

For Petitioners : Mr.B.S.Meltiue

For Respondents : Mr.P.Karthick for R1
Standing Counsel
Mr.T.Amjad Khan for R2 and R3
Government Advocate



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ORDER

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By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.B.S.Meltiue, learned counsel appearing for the petitioners, Mr.P.Karthick, learned Standing Counsel appearing for the first respondent and Mr.T.Amjad Khan, learned Government Advocate appearing for respondent Nos.2 and 3.

3. This Writ Petition has been filed seeking direction to the respondents to conduct certificate verification to the petitioners and permit them to participate in the selection for the post of Assistant Professor as per G.O.Ms.No. 56, Higher Education (F2) Department, dated 21.03.2020, by considering their qualification as on the date of their appointment as 'Guest Lecturers' in the light of the Government Order in G.O.Ms.No.305 of 2022, dated 26.12.2022.

4. The petitioners were initially appointed as 'Guest Lecturers' in various Government Colleges after undergoing process of selection through open advertisement by the Selection Committee. After due selection, they had



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completed more than 15 years of service in their respective Colleges. All the petitioners are qualified with M.Phil in their respective subjects. During their selection for the post of Assistant Professor, the candidates possessing M.Phil degree on or before 11 July 2009 were exempted from National Eligibility Test, State Level Eligibility Test / Tamil Nadu State Eligibility Test qualification as per University Grants Commission (Minimum Standards and Procedure for the Award of M.Phil / Ph.D Degree) Regulation 2009 and this was followed until 2016. Therefore, on the date of appointment, the petitioners were fully qualified. The grievance of the petitioners is that the petitioners were not permitted to participate in the selection for the post of Assistant Professor and the persons who have possessed the qualification of Ph.D., and who have passed NET / SLET / SET were only allowed to participate in the selection for the post of Assistant Professor.

5. The issue raised in this Writ Petition has been elaborately discussed and covered in the earlier judgment passed in the batch of Writ Petitions in ***W.P.No.1971 of 2023 etc batch (B.Senthil Kumar Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Higher Education Department, Secretariat, Fort St.George Chennai-600 009 and another)***, wherein the order has been analysed as under:



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“7. Thus it is clear that the norms of selection cannot be altered after commencement of selection process and Rules prescribing qualification, which were amended during the continuation of selection process, have prospective operation unless something to the contrary is indicated expressly or by necessary implication.

8. Therefore, the impugned order in GO.Ms.No.248 dated 08.11.2022 granting permission for recruitment of 4000 posts of Assistant 23/27 <https://www.mhc.tn.gov.in/judis> W.P.No.1971 of 2023, etc. batch Professor including 1146 posts earmarked for regular absorption of Guest Lecturers after undergoing certificate verification as per the order in GO.Ms.No.56 dated 21.03.2020, is arbitrary, illegal and against the law for the reason that in order to fill up the posts by direct recruitment following the new method of selection as envisaged in GO.Ms.No.246 dated 08.11.2022, 1146 vacancies earmarked for absorption of eligible Guest Lecturers cannot be added in the impugned order in GO.Ms.No.248, 08.11.2022.



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9. In view of the above, the impugned order in GO.Ms.No.248 Higher Education (F2) Department dated 08.11.2022 is quashed insofar as ordered to notify 1146 vacancies which were earmarked for regular absorption of eligible Guest Lecturers as per G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020. The respondents are directed to continue the selection process to fill up 1146 posts of Assistant Professors in accordance with the earlier order passed in G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020 based on the selection process already initiated and processed by the proceedings of the second respondent dated 12.02.2021 and complete the same within a period of twelve weeks from the date of receipt of copy of this order.”

6. In view of the above, this Writ Petition stands **disposed of** with a direction to the respondents to continue the selection process to fill up 1146 posts of Assistant Professors in accordance with the earlier order passed vide Government Order in G.O.(Ms).No.56, Higher Education (F2) Department, dated 21.03.2020 based on the selection process already initiated and complete the same within a period of twelve (12) weeks from the date of receipt of a copy



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of this order. No costs. Consequently, connected miscellaneous petition is

closed.

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Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

- 1.The University Grants Commission,
Rep. by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
- 2.The Principal Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600 009.
- 3.The Chairman, Teachers Recruitment Board,
EVK Sampath Maaligai,
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R.N.MANJULA, J.

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