



W.P.No.7225 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 17.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.7225 of 2015

G.Rajavarman,
S/o.M.Govindan

... Petitioner

Vs.

1.University of Madras,
Represented by its Registrar,
Centenary Buildings,
Chepauk, Chennai – 600 005.

2.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai – 600 004.

3.The Secretary,
University Grants Commission,
Bahadur Shah Zafer Marg,
New Delhi – 110 002.

4.Dr.N.Kala,
Assistant Professor of Centre for Cyber Forensics
and Information Security,
University of Madras,
Chennai – 600 005.

... Respondents



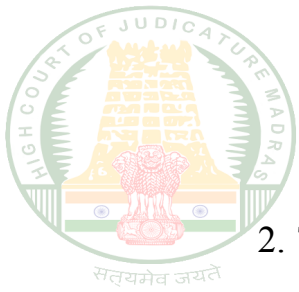
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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of appointment made in favour of the 4th respondent as Assistant Professor, Centre for Cyber Forensics and Information Security Discipline of University of Madras by the 1st respondent in his proceedings No.D1/TE/Appt. of Asst.Prof./2014/R-14 dated 15.02.2014, quash the same as illegal and consequently direct the respondents 1 to 3 herein to appoint the petitioner to the above post.

For Petitioner	: Mr.G.Punniakotti
For Respondents	:
For R1	: Mr.A.S.Vijayaragavan
For R2	: Mr.C.Jayaprakash Government Advocate
For R3	: Mr.P.R.Gopinathan
For R4	: No appearance

ORDER

In this Writ Petition, the petitioner has challenged the appointment of the 4th Respondent as Assistant Professor at the Centre for Cyber Forensics and Information Security Discipline of University of Madras vide Appointment Order dated 15.02.2014 bearing Ref.No.D1/TE/Appt. of Asst.Prof./2014/R-14 of the 1st Respondent.

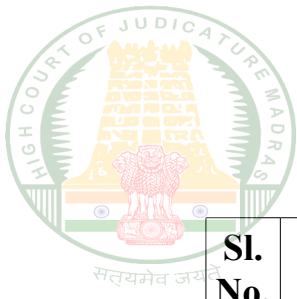


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2. The case of the Petitioner is that the 1st Respondent has appointed the 4th Respondent who does not possess the requisite qualification as per the Recruitment Board Notification dated 15.12.2013.

3. In the Affidavit filed in support of the present Writ Petition, the Petitioner has given a comparative statement of the qualifications possessed by the Petitioner *vis-a-vis* the 4th Respondent as under:-

Sl. No.	Prescribed Qualification as per notification for appointment	Qualification possessed by the petitioner	Qualification possessed by the 4 th respondent
(i)	A Master Degree with 55% marks in M.Sc., Cyber Forensic Science and Information Security or M.Sc., Forensic Science or M.C.A., or M.Sc., Information Technology or M.E., Computer Science and Engineering or M.E.Electronics and specialization in Network Security Cyber Crime or Cyber Forensics or Information Security.	M.E., Electronics and Communication System in Scored percentage of Marks CGPA 7.88% (First Class)	M.Sc., NET, Ph.D.
(ii)	In addition the International Certificate in Cyber Forensics and Information Security and related areas in preferable.	C.C.N.A. (Cisco Certified Network Associated) International Certificate Course	Not Possessed. -Nil-



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Sl. No.	Prescribed Qualification as per notification for appointment	Qualification possessed by the petitioner	Qualification possessed by the 4 th respondent
		passed in Related Area in Cyber Forensics and Information Security.	
(iii)	Candidates possessing 55% marks in M.E.Computer Science and Engineering or M.E., Electronics and Communication with specialization in Network Security or Cyber Crime or Cyber Forensics or Information Security and Candidates with International Certifications in Cyber Forensics and Information Security and related areas are exempted from qualifying NET Examination.	M.E.Electronics and Communication System in Scored Percentage of Marks CCPA 7.88% First Class NET Exempted. (Studied in fully Engineering Technology, NET not conducted by UGC)	M.Sc., NET, Ph.D. (Not fully Computer Technology Software and Hardware Networking)

4. It is therefore submitted that instead of appointing the Petitioner, the 1st Respondent has appointed the 4th Respondent contrary to the norms under the aforesaid Recruitment Board Notification and therefore the Impugned Appointment Order 15.02.2014 bearing Ref.No.D1/TE/Appt. of Asst.Prof./2014/R-14 of the 4th Respondent is liable to be interfered with.



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WEB COPY 5. The 1st and 3rd Respondents have filed a detailed Counter Affidavit.

6. Paragraph 3 of the Counter Affidavit filed by the 1st Respondent in response to Paragraph 7 of the Affidavit filed in support of the present Writ Petition, indicates that the 4th Respondent is more qualified than the Petitioner.

7. Paragraph 3 of the Counter Affidavit filed by the 1st Respondent is reproduced below:-

“3. The averments contained in para 7 of the affidavit relating to the qualifications prescribed for the said post are not denied as they are matters of record. It is submitted that the 4th Respondent possessed the following Qualifications:

- (a) First Class PG Degree – Master of Science in Forensic Science (1990).
- (b) NET – Lecturership in Forensic Science 2007.
- (c) Ph.D in Forensic Science & Criminology – Interdisciplinary – 2013.
- (d) Post Graduate Diploma in Cyber and Information Security.
- (e) Diploma in Computer Forensic Procedures, Methodology & Equipment Operation.
- (f) Honours Diploma in Network – Centered Computing.
- (g) 8 years Teaching Experience in Post Graduate Level.
- (h) Research Publication – National Level – 1.
- (i) Research Publications – International Level – 2.
- (j) Authored 1 Book.
- (k) Awards/Prizes/Scholarships/Fellowship – 2.
- (l) Participation in Seminars/Workshops/Conferences and presentation of Papers Presented – National 15 Papers



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presented and 1 participation.
(m) Participation in Seminars/Workshops/Conferences and presentation of Papers Presented – International 1 Paper presented.”

8. In the Counter Affidavit filed by the 3rd Respondent, the 3rd Respondent has reiterated the qualifications prescribed for the subject post in the Recruitment Notification and the provisions of the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2010 (in short, 'UGC Regulations').

9. It is submitted that as per Section 26 of the University Grants Commission Act, 1956 (in short, 'UGC Act'), the UGC has been vested with the power to make regulations.

10. It is submitted that by Notification in the Official Gazette, a Commission can make regulations in consistent with the Act and the Rules made thereunder, among others, defining the minimum standards of instructions for the grant of any degree by any University as also regulating the maintenance of standards and the co-ordination of work or facilities in Universities.



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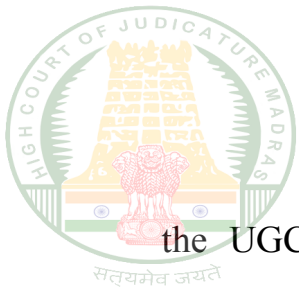
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11. Learned counsel for the 3rd Respondent has also drawn attention to the UGC Regulations, which had been framed by the 3rd respondent in exercise of power conferred under Section 26 of the UGC Act, 1956 vide Regulation No.F.3-1/2000 (PS) dated 04.04.2000.

12. A reference is made to Clause 3.0.0 (Clause 3.1.0, Clause 3.2.0, Clause 3.3.0, Clause 3.3.1, Clause 3.3.2, Clause 3.4.1, Clause 3.5.0 and Clause 3.6.0) to the aforesaid Regulations which pertains to the Recruitment process and the Qualification.

13. A reference is also made to Clause 4.4.6.1 to the aforesaid Regulations which relates to Minimum Qualifications for Appointment of Teaching Faculty in the Universities and Colleges – Engineering and Technology Discipline.

14. A reading of the Counter Affidavit filed by the 1st respondent and the 3rd respondent indicates that the 4th respondent has reached all the criteria under



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the UGC Act, 1956 and under the UGC Regulations, framed by the 3rd

Respondent in exercise of power conferred under Section 26 of the UGC Act, 1956 vide Regulation No.F.3-1/2000 (PS) dated 04.04.2000.

15. As such, there is no merit in the challenge made to the Impugned Appointment Order 15.02.2014 bearing Ref.No.D1/TE/Appt. of Asst.Prof./2014/R-14 of the 1st respondent, appointing the 4th Respondent as Assistant Professor at the Centre for Cyber Forensics and Information Security Discipline of University of Madras.

16. Therefore, this Writ Petition is liable to be dismissed as devoid of merits and is accordingly dismissed. No costs.

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Neutral Citation : Yes / No

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To:

- 1.The Registrar,
University of Madras,
Centenary Buildings,
Chepauk, Chennai – 600 005.
- 2.The Principal Secretary,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai – 600 004.
- 3.The Secretary,
University Grants Commission,
Bahadur Shah Zafer Marg,
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- 4.Dr.N.Kala,
Assistant Professor of Centre for Cyber Forensics
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C.SARAVANAN, J.

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