



W.P.(MD).Nos.16017 and 25880 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

**W.P.(MD).Nos.16017 and 25880 of 2019 and
WMP(MD).Nos.15509 of 2023 and 11283 of 2022**

R.Racil Jeyageetha

**... Petitioner in
WP(MD).No.16017 of 2019**

A. Jeba Malar

**... Petitioner in
WP(MD).No.25880 of 2019**

Vs.

**1.The Director,
Directorate of Collegiate Education,
College Road,
Chennai – 6.**

**2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.**

**3.The Registrar,
Manonmaniyam Sundaranar University,
Tirunelveli.**

**4.The Correspondent,
Nesamony Memorial Christian College,
Marthandam,
Kanyakumari District.**

**.. Respondents in
both W.Ps**



W.P.(MD).Nos.16017 and 25880 of 2019

PRAYER in W.P (MD).No.25880 of 2019: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records of the impugned proceedings vide MSU/R/CDC/A3/311/Q.A/A.P (Reg)/ 2 dated 10.10.2019 issued by the 3rd respondent University and quash the same as illegal and direct the 3rd respondent to approve the petitioner's post from 16.06.2010 and provide all service and monetary benefits from the date of her appointment dated 16.06.2010 and to forward her proposal as per the proceedings of the 4th respondent.

PRAYER in W.P (MD).No.16017 of 2019: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 3rd respondent to forward the petitioner's proposal to approve the qualification as per the proceedings of the 4th respondent, dated 06.10.2017 and to approve and regularise her appointment as an Assistant Professor in the Department of Physics in the 4th respondent College with effect from 03.09.2009 and grant all her service and monetary benefits fro the period from March, 2009.

For Petitioner in both W.Ps. : Ms. T. Sathya Selvi

For Respondents 1 and 2 : Mr.Satheesh Kumar
Additional Government Pleader

For 3rd respondent : Ms. H. Jasima Yasmin



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COMMON ORDER

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The Writ Petition in W.P (MD).No.25880 of 2019 has been filed to call for the records of the impugned proceedings vide MSU/R/ CDC/A3/ 311/Q.A/ A.P (Reg) / 2 dated 10.10.2019 issued by the 3rd respondent University and quash the same as illegal and direct the 3rd respondent to approve the petitioner's post from 16.06.2010 and provide all service and monetary benefits from the date of her appointment dated 16.06.2010 and to forward her proposal as per the proceedings of the 4th respondent.

The Writ Petition in W.P (MD).No.16017 of 2019 has been filed for issuing a direction to the 3rd respondent to forward the petitioner's proposal to approve the qualification as per the proceedings of the 4th respondent, dated 06.10.2017 and to approve and regularise her appointment as an Assistant Professor in the Department of Physics in the 4th respondent College with effect from 03.09.2009 and grant all her service and monetary benefits from the period from March, 2009.

2. The petitioners are working as Assistant Professors in the 4th respondent College. They have filed the above Writ Petitions seeking a direction



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to the 3rd respondent to forward the proposal for approval of their appointments made by the 4th respondent. According to them, they acquired requisite qualifications for appointment as Assistant Professors. Though they were initially appointed on a temporary basis, the University subsequently insisted that they have to be obtained the NET certificate in order to continue in service. It is the case of both the petitioners that, being M.Phil. degree holders, they are exempted from the requirement of NET / SLET. It is further stated that the insistence on possession of a NET certificate is contrary to the University Regulations, and therefore, their services are liable to be regularized from the date of their initial appointment as Assistant Professors.

3. The learned counsel appearing for the University submitted that it is true that the petitioners were engaged as Assistant Professors in the 4th respondent College. Subsequently, the University framed regulations mandating the qualification of passing the National Eligibility Test (NET) for appointment as Assistant Professors. Since the petitioners have not passed the NET, they are not entitled to regularization of their services.

4. Per contra, the learned counsel appearing for the petitioners submitted



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that the University has passed resolution in its meeting held on 23.09.2019 wherein the minutes of the meeting decided to exempt the candidates who are having M.Phil degree in the concerned subject from under graduate level teaching. It is also decided that the candidates having PH.D., degree in the concerned subject are exempted from NET for Under Graduate and Post Graduate level teaching. The relevant paragraph reads as follows:

5) EXEMPTION (ELIGIBILITY FOR LECTURERSHIP);

1) For M.Phil., / Ph.D candidates: The candidates having Ph.D Degree in the concerned subject are exempted from NET for Under Graduate and Post Graduate level teaching. The candidates having M.Phil., Degree in the concerned subject are exempted from NET for Under Graduate level teaching only. The candidates who have passed the UGC / CSIR JRF examination prior to 1989 are also exempted from appearing in NET.

5. The Teachers Recruitment Board has also prescribed qualification based on the University Grant Commission, which reads as follows:



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S.No.	Date	Qualification Prescribed by UGC for appointment of Lecturers in College / Universities
1	Before 1991	P.G with 50% minimum marks
2.	19.09.1991	P.G. With 55% minimum marks with pass NET / SLET
3.	1993	P.G with 55% of minimum marks with NET / SLET Exemption fro those who completed M.Phil., before 31.12.1993 or submitted Ph.D., dissertaton before 31.12.1993.
4.	31.07.2002	P.G with 55% marks with NET / SLET Exemption for Ph.D. Dissertation submitted before 31.12.2002
5.	14.06.2006	P.G with 55% minimum marks with NET / SLET Exemption for M.Phil., for taking UG class and Ph.D., for taking P.G. Class
6.	30.06.2010	P.G. with 55% minimum marks with NET / SLET Exemption only for Ph.D holders

6. Admittedly, the petitioners were appointed as Assistant Professors on 03.09.2009 and 16.06.2010 respectively, and their appointments were made based on the University Grants Commission (UGC) Regulations, 2009. The Teachers Recruitment Board prescribed the requisite qualifications as per its proceedings issued in the year 2013, which were based on the subsequent UGC Regulations that came into force with effect from 30.06.2010. Further, this



Court, in W.P.(MD) No.10968 of 2015, dated 23.04.2018, has considered the

very same issue in detail. The relevant portions of paragraphs 11 to 14 are reads as follows:

“11.It is not in controversy that the petitioner does not have the qualification of NET at the time of his appointment to the post of librarian at the second respondent college. The petitioner was appointed only on 28.07.2010 by way of promotion to the said post of librarian and before which the UGC regulation 2010 came into effect from 30.06.2010. What is stated in the said UGC regulations, apart from the Master degree in library science / information science, the incumbent must have the qualification of NET conducted for the purpose, by the UGC or other authority approved by the UGC. The mandatory requirement of the qualification was prescribed by the UGC, which is an apex body. The said qualification being issued by the UGC under Section 20 of the UGC Act it shall be a mandatory requirement, which cannot be diluted.

12.Insofar as the contention of the learned counsel for the petitioner that the very same UGC, which has prescribed the qualification, by resolution dated 27th September 2010 in its 472nd meeting resolved that, those who have obtained M.Phil Degree on or before 10th July 2010 shall remain exempted for the purpose of appointment as lecturer / Assistant Professor is concerned, the straight answer is available as rightly pointed out by the learned counsel for the second respondent college in the communication of the UGC dated 10.04.2014 and the relevant portion of which has already been extracted herein above. According to the said clarification / communication, the UGC had made it clear that the resolution in 472nd meeting of the UGC is merely a part of the process of deliberations by the commission on the issue of minimum qualification and not a final decision required to be implemented. Therefore, it become abundantly clear that the resolution dated 27.09.2010 said to have been taken in the 472nd meeting of the UGC is



concerned, it is not the law and it is only a deliberation on the commission's meeting and therefore, the said deliberation cannot be treated as final decision for the purpose of implementation. This resolution or deliberation process has been heavily relied upon by the learned counsel for the petitioner. Therefore on the strength of the said deliberation or resolution of the UGC, the petitioner cannot take any shelter to claim exemption from having NET qualification on the pretext that the petitioner has qualification of M.Phil degree in library science, in 2010.

13.This apart, this kind of controversy with regard to minimum qualification for appointment to the post of teaching and non teaching staffs including librarian etc., at the universities or college level educational institution is concerned, the UGC regulation issued from time to time has been justified before the Court of law. In this regard in a recent judgment in the matter of **State of Madhya Pradesh and others Vs. Manoj Sharma and others reported in (2018) 3 SCC 329** similar matter came up for consideration, wherein whether the 2009 regulations was prospective or retrospective and mandatory requirement of the qualification required to be fulfilled by the candidates to be considered for the appointment for teaching and non teaching staffs in the University and College, had been considered by the Hon'ble Apex Court. Among other things, the relevant issue has been decided by the Hon'ble Apex Court in the said judgment in Paragraph 19, which reads thus:-

“19.Thus, from the above judgment, it is clear that NET qualification is now minimum qualification for appointment of Lecturer and exemption granted to M.Phil degree-holders has been withdrawn and exemption is allowed only to those Ph. D. degree- holders who have obtained the PhD degree in accordance with 11.07.2009 Regulations, namely, the 2009 Regulations of UGC (Minimum Standards and Procedure). Although, this aspect has not been noticed by the High Court but since the learned Single Judge has directed the consideration of the case of the writ petitioner on the basis of M.Phil degree which was obtained by them by distance education mode prior to 2009, it is necessary that their eligibility for the post be examined taking into consideration the 2009 Regulations of UGC



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(Minimum Qualifications for Appointment). The year 2012 when both the 2009 Regulations of UGC (Minimum Standards and Procedure) and the 2009 Regulations of UGC (Minimum Qualifications for Appointment) were applicable."

14.From the reading of the said recent decision, it is obvious that, 2009 regulation, wherein exemption of NET qualification granted, has been withdrawn insofar as the M.Phil degree holders. The only exemption is for Ph.D. Degree holders. This aspect has been clearly and exclusively reiterated by the Hon'ble Apex Court in the said recent judgment."

7. It is also stated that the petitioners subsequently acquired their Ph.D. degree in order to continue in their posts as Associate Professors. Accordingly, their services were approved on 25.11.2014. That being so, the petitioners are not entitled to approval from the date of their original appointments, as they did not possess the qualifications prescribed at that time. However, the petitioners are entitled to the benefits from the date of regular approval of their appointments.

8. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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