

W.P.(MD) No.3439 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 28.07.2025

Pronounced On : 20.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.3439 of 2017

and

W.M.P.(MD)No.2796 of 2017

S. Madhusudhanan,
S/o. R. Soundararajan,
Plot No.616, Karpaga Nagar,
11th Street, K. Pudur,
Madurai - 625 007,
Madurai District.

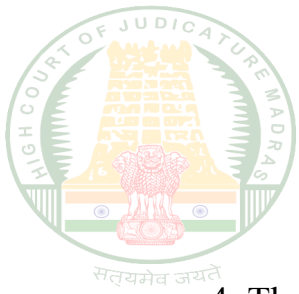
... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai- 09.

2. The Director of Collegiate Education,
EVK Sampath Maligai, 9th Floor,
College Road,
Chennai- 06.

3. The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai- 06.



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4. The University Grants Commission,
Represented by the Secretary,
Bahadursha Zafar Marg,
New Delhi - 110 002.

5. Mr. M. Senthilkumar,
Assistant Professor (Economics),
Government Arts College,
Salem- 07,
Salem District.

6. Mr. P. Bheemaraj,
Assistant Professor (Economics),
Government Arts College (M),
Krishnagiri,
Krishnagiri District.

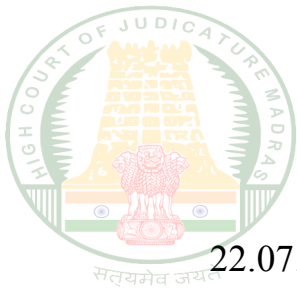
... Respondents

PRAYER in W.P.:

To issue a Writ or Order or Direction or in the nature of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.Ms.No. 194, Higher Education (F2) Department, dated 22.07.2015, on the file of the Respondent No.1 and quash the same as illegal to the extent of appointing the Respondents No. 5 and 6 as the Assistant professor (Economics) and consequently to direct the Respondents 1 to 3 to consider the petitioner for appointment to the post of Assistant Professor (Economics) within the time stipulated by this Court and pass such further or other order as this Court may deem fit and proper in the circumstances of the case and thus render Justice.

PRAYER in WMP:

To pass an order of Interim Stay of the operation of the impugned order in G.O.Ms.No.194, Higher Education (F2) Department, dated



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22.07.2015, to the extent of appointing the Respondents 5 and 6 as the Assistant professor (Economics) on the file of the first Respondent pending disposal of the instant Writ Petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr. G.Karthik, Advocate
for M/s.Lajapathi Roy & Associates

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R3

: Mr.V.Maharajan, Advocate for R4

: Mr.S.Ramakrishnan, Advocate for R5

J U D G M E N T

Heard.

2. The Petitioner in this writ petition is an applicant for the post of Assistant Professor in Economics, recruitment for which was conducted by the 3rd Respondent–Teachers Recruitment Board. The Petitioner appeared for the interview on 18.12.2014 but was not selected. It is the Petitioner’s grievance that Respondents 5 and 6 were appointed despite possessing only a Ph.D. degree, without the mandatory NET/SLET qualification, and in violation of the University Grants Commission



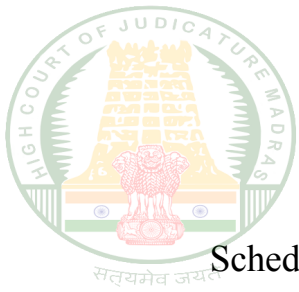
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(Minimum Standards and Procedure for Award of Ph.D. Degree)

Regulations, 2009. On this basis, the Petitioner contends that their appointments are illegal and seeks to quash G.O.Ms.No.194, Higher Education (F2) Department, dated 22.07.2015, which enabled such appointments, as well as the appointment granted in favour of R5 and R6 and consequently prays for selection and appointment to the said post.

3. The writ petition was admitted on 28.02.2017. Pursuant to notice from this Court, a counter affidavit dated 19.04.2017 was filed on behalf of the Teachers Recruitment Board. Also, a counter affidavit dated 06.12.2014 was filed on behalf of the 1st Respondent by the then Joint Director of Collegiate Education. Under the impugned G.O.Ms.No.194, Higher Education (F2) Department, dated 22.07.2015, an annexure was issued containing the list of selected candidates, wherein 53 persons, including Respondents, were appointed as Assistant Professors in Economics in various Government Colleges.

4. The name of the 5th Respondent appears at Sl.No.52, he belonging to the Scheduled Caste (Arunthathiyar) community, while the name of the 6th Respondent is found at Sl.No.12, he belonging to the



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Scheduled Caste–General Turn category. The Petitioner contends that the recruitment notification runs contrary to the judgment of the Hon'ble Supreme Court in ***P. Suseela v. University Grants Commission***, reported in ***(2015) 8 SCC 129***. In paragraphs 12 and 15 of the said judgment, the Supreme Court has held as follows:—

“12. It is clear that Section 26 enables the Commission to make regulations only if they are consistent with the UGC Act. This necessarily means that such regulations must conform to Section 20 of the Act and under Section 20 of the Act the Central Government is given the power to give directions on questions of policy relating to national purposes which shall guide the Commission in the discharge of its functions under the Act. It is clear, therefore, that both the directions of 12th November, 2008 and 30th March, 2010 are directions made pertaining to questions of policy relating to national purposes inasmuch as, being based on the Mungekar Committee Report, the Central Government felt that a common uniform nationwide test should be a minimum eligibility condition for recruitment for the appointment of Lecturer/Assistant Professors in Universities/Colleges/Institutions. This is for the obvious reason that M. Phil. degrees or Ph.D. degrees are granted by different Universities/Institutions having differing standards of excellence. It is quite possible to conceive of M.Phil/Ph.D. degrees being granted by several Universities which did not have stringent standards of excellence. Considering as a matter of policy that the appointment of Lecturers/ Assistant Professors in all institutions governed by the UGC Act (which are institutions all over the country), the need was felt to have in addition a national entrance test as a minimum eligibility condition being an additional qualification which has become necessary in view of wide disparities in the granting of M. Phil./ Ph.D. degrees by various Universities/



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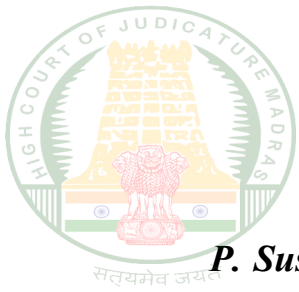
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Institutions. The object sought to be achieved by these directions is clear: that all Lecturers in Universities/Colleges/Institutions governed by the UGC Act should have a certain minimum standard of excellence before they are appointed as such. These directions are not only made in exercise of powers under Section 20 of the Act but are made to provide for coordination and determination of standards which lies at the very core of the UGC Act. It is clear, therefore, that any regulation made under Section 26 must conform to directions issued by the Central Government under Section 20 of the Act.

15....A vested right would arise only if any of the appellants before us had actually been appointed to the post of Lecturer/Assistant Professors. Till that date, there is no vested right in any of the appellants. At the highest, the appellants could only contend that they have a right to be considered for the post of Lecturer/Assistant Professor. This right is always subject to minimum eligibility conditions, and till such time as the appellants are appointed, different conditions may be laid down at different times. Merely because an additional eligibility condition in the form of a NET test is laid down, it does not mean that any vested right of the appellants is affected, nor does it mean that the regulation laying down such minimum eligibility condition would be retrospective in operation. Such condition would only be prospective as it would apply only at the stage of appointment.”

5. The judgment in **P. Suseela**’s case was delivered on 16.03.2015.

The said case, arising out of a batch of matters, stemmed from the judgment of a Division Bench of this Court dated 06.12.2010. It is pertinent to reproduce the operative portion of the order passed in



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P. Suseela v. UGC in W.A. No. 893 of 2010 and connected batch cases,

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dated 06.12.2010, which reads as follows:—

49. In the light of the principles laid down by the Supreme Court, we have no hesitation in holding that the principles of Legitimate Expectation will have no application to the facts and circumstances of the present case. As noticed above, the Government of India, Ministry of Human Resources felt the need to introduce NET as compulsory for the purpose of appointment of teaching post in order to upgrade the standard of teaching. For that purpose, Expert Committees were constituted consisting of eminent experts and academicians, who recommended that NET/SLET should be retained as compulsory requirement for appointment of lecturers irrespective of the candidates possessing degree in M.Phil or Ph.D. After considering the report of Prof.Mungekar Committee, the University Grants Commission was directed to frame regulations to serve the national purpose of maintaining standards of higher education. But, the University Grants Commission, without considering the object and purpose of raising the standard of education, and without considering the global scenario, although framed regulations, but, tried to give certain relaxation to the candidates for appearing in NET/SLET examination. In our view, therefore, the Central Government has rightly refused to approve the decision of the University Grants Commission. Hence, the impugned regulation and the decision of the Central Government cannot, at any stretch of imagination, be held to be illegal, arbitrary or whimsical, rather the decision is rational and based on public interest and also national policy to upgrade the standards of education in the country.

6. In the present case, the Teachers Recruitment Board issued Advertisement No. 4/2013 on 28.05.2013. The said notification was



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issued after the Division Bench judgment in P. Suseela (cited supra), but prior to the reversal of that judgment by the Hon'ble Supreme Court in Civil Appeal decided on 16.03.2015. Under the notification dated 28.05.2013, paragraph 4 prescribed the educational qualifications, wherein candidates holding a Ph.D. with 55% marks were exempted from the requirement of NET/SLET. The scheme of selection provided for allocation of marks as follows: 15 marks for teaching experience, 9 marks for Ph.D., 6 marks for possession of M.Phil., with SLET/NET and 5 marks for possession of P.G. & NET/SLET. The interview carried 10 marks, making a total of 34 marks under these heads.

7. In the counter affidavit filed by the Teachers Recruitment Board, the averments in paragraphs 7 and 8 read as follows:—

“7. It is submitted that the exemption has been granted from acquiring SLET/NET qualification to those candidates who have been awarded Ph.D., degree as per the University Grants Commission Regulation 2009. The regulations are prospective in nature and there is no restriction for the Ph.D., holders as per the Regulation 2009. The petitioner has misconstrued that the candidates with Ph.D., Degree in compliance of the University Grants Commission (Minimum Standards and procedure for award of Ph.D, Degree) Regulation 2009 alone shall be entertained. Therefore the averment of the petitioner could not be accepted.

8....In accordance with Government orders issued in G.O.Ms.No.217 Higher Education (F2) Department



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Dated: 13.9.2011, G.O.Ms.No. 29 Higher Education (F2) Department dated 05.03.2012 and Government Letter No. 20575 / F2/2011 Dated : 15.5.2013, the board issued notification in Advertisement No.4/2013 dated 28.4.2013 calling for application from eligible candidates. As per the existing university Grants Commission regulations, the Board prescribed the qualification for the post of Assistant Professors. The Board already conducted certificate verification and Interview and also published final selection list. The orders of the Hon'ble Supreme Court of India was delivered only on 16.3.2015 prescribing the qualification NET as mandatory. Since the recruitment process of Assistant Professors 2012 has been conducted well before the judgment of the Hon'ble Supreme Court of India, the notification of the Teachers Recruitment Board is in order and in accordance with the University Grants Commission regulations and not illegal or unsustainable as averred by the petitioner."

8. In the counter affidavit filed on behalf of the 1st Respondent, the statements made in paragraphs 9 and 10 are as follows:—

"9. I submit that very notification under which respondents 4 and 5 have been selected have been put challenge in various writ petitions culminated in to writ appeals and the validity of the same was upheld by this Hon'ble Court in various judgments, more particularly method of under recruitment was conducted by the Teachers Recruitment Board in W.A.No. 1885 of 2022 (*The Secretary to Government and others Vs. Dr.M.Chandra Mohan*), dated 31.07.2023. When the validity method adopted by the Teachers Recruitment Board for conducting the selection process is upheld by this Hon'ble Court and the selection of respondents 5 and 6 are in consonance with the same, hence the selection of respondents 5 and 6 herein does not warrant any interference as the same was done in consonance with the



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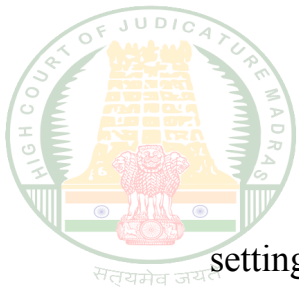


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notification and the norms prevailing at the relevant point of time.

10. I submit that but University Grants Commission (Minimum Standards and Procedure for award of Ph.D. Degree) Regulations, 2009 however continued to provide an exemption from NET/SLET for Ph.D. holders. The conflict between the policy directive issued by the Central Government in terms of section 20 of the UGC Act and the 2009 Regulations itself, as well as the question as to whether a candidate who had obtained a Ph.D. prior to 2009 could claim a legitimate expectation or vested right to be considered for appointment as faculty in UGC Institutions, different decisions were issued by the Hon'ble High Court and all the decisions were placed before Hon'ble Apex Court in the case of ***P.Suseela and others vs. The University Grants Commission and another 2015 (8) SCC 129*** was upheld the policy directive of the Central Government under section 20 of the UGC Act to the effect that the Eligibility Test was a mandatory requirement in the appointment of faculty to Colleges and Universities. I submit that even before the said decision the selection notification under which writ petitioner and respondents 5 and 6 claimed to have participated have been issued and therefore said decision cannot be made applicable to the selection process which commenced before judgment passed by the Hon'ble Apex Court and therefore the said contention of writ petitioner herein cannot be accepted and further it is pertinent to note that after the judgment passed by the Hon'ble Apex Court even for the candidate possess Ph.D. SLET/NET was made mandatory. I submit that above writ petition is devoid of merits and deserves to be dismissed.”

9. In Writ Appeal No. 1885 of 2022, dated 31.07.2023, quoted by the 1st Respondent in the counter affidavit, the Division Bench, while



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setting aside the order of the learned Single Judge, allowed the appeal preferred by the State and in paragraph 14 observed as follows:—

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

10. However, learned counsel for the Petitioner placed reliance on the judgment of the Hon'ble Supreme Court in *Mandeep Singh v. State of Punjab*, reported in **2025 INSC 834**. The relevant passages from paragraphs 59 and 60, which were specifically pressed into service, are extracted hereunder:—

“59.... the State has miserably failed to justify the departure from the standard norms of the recruitment process. It has failed to give any valid reason for not adopting the UGC Regulations and avoiding the Public Service Commission in the recruitment in question. Moreover, as discussed earlier, the reason for this departure were narrow political and clearly arbitrary.

60. Before parting, we would like to observe that we are aware of the fact that quashing of the entire recruitment process may cause hardships for the selected candidates, but at the same time, there is no equity in the favour of selected candidates as challenge to the recruitment was made during the pendency of the process and appointments were subject to the Court orders. A gross illegality like the present recruitment cannot be ignored.”



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11. In the present case, the recruitment process commenced with the notification dated 28.05.2013. Pursuant to the said notification, the Petitioner applied for the post and attended the interview held on 18.12.2014. The successful candidates were subsequently intimated through G.O.Ms.No.194, Higher Education (F2) Department, dated 22.07.2015. If the Petitioner was genuinely aggrieved by the alleged illegality in the TRB notification, he ought to have challenged the same in the year 2013 itself or least in the year 2015 and not at this belated stage in 2017. However, after learning that he was not selected, the Petitioner submitted a representation only on 14.07.2016 and thereafter filed the present writ petition on 27.02.2017. By that time, the selected candidates had already been appointed.

12. Furthermore, it is to be noted that subsequent to the decision in *P. Suseela* (cited supra), the Respondents had issued modified notifications, whereas the present notification was issued prior to the judgment of the Hon'ble Supreme Court. Hence, the reliance placed by the Petitioner on *Mandeep Singh* (cited supra) is wholly inapplicable to the facts of the present case.



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13. Accordingly, no case has been made out to warrant interference.

W.P.(MD) No. 3439 of 2017 stands dismissed. There shall be no order as to costs. The connected W.M.P.(MD)No.2796 of 2017 is also dismissed.

20.08.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

LS

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai- 09.

2. The Director of Collegiate Education,
EVK Sampath Maligai, 9th Floor,
College Road,
Chennai- 06.



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DR. A.D. MARIA CLETE, J.

LS

3. The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai- 06.

4. The University Grants Commission,
Represented by the Secretary,
Bahadursha Zafar Marg,
New Delhi - 110 002.

Pre-delivery Judgment made in
W.P. (MD) No.3439 of 2017

20.08.2025