



W.P(MD)No.27140 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.27140 of 2019 &
W.M.P.(MD)No.23454 of 2019

P.Ezhil Roja

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-009.

2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai-006.

3. The Regional Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

4. The Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-627 012,
Rep by its Registrar.

5. The Chairman,
College Committee/Governing Board,
Scott Christian College,
Nagercoil, Kanyakumari District.

6. The Secretary/Correspondent,
Scott Christian College,
Nagercoil, Kanyakumari District.

...Respondents



W.P(MD)No.27140 of 2019

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order of the 4th respondent in MSU/R/CDC/A3/316/Q.A/A.P(S.F)/3 dated 31.07.2019, quash the same and consequently direct the 4th respondent to grant qualification approval to the petitioner.

For Petitioner : Mr.G.Sailendrababu

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R1 to R3
Mr.Mohammed Agil
for M/s.Ajmal Associates for R4

ORDER

The present writ petition has been filed challenging the impugned order of the fourth respondent dated 31.07.2019.

2. The learned counsel for the petitioner would submit that the petitioner is now functioning as an Assistant Professor in the fifth respondent College in Computer Department. By referring to University Grants Commission notification dated 04.05.2016, he would submit that the petitioner's qualification is a required qualification to be appointed in the post of Assistant Professor. However, the fourth respondent by referring to the previous University Grants Commission notification, has not recommended the appointment of the petitioner. Hence, prayed to interfere with the same.



W.P(MD)No.27140 of 2019

WEB COPY

3. The said contentions were totally objected by the learned Additional Government Pleader appearing for R1 to R3, who would contend that even the notification dated 04.05.2016 would be of no use to the petitioner as it states that the M.Phil graduates has to satisfy prior University Grants Commission regulations and the concession given in the 2016 notification, only relates to the persons who got Ph.D. degree. Hence, he would contend that the impugned order is in accordance with notification issued by the University Grants Commission and prayed to dismiss the writ petition.

4. I have given my anxious consideration to either side submissions.

5. While looking at the impugned order dated 31.07.2019, the fourth respondent has stated that the petitioner was not eligible to be appointed in the post of Assistant Professor as she has not satisfied the University Grants Commission Regulations, 2009. University Grants Commission Regulations, 2009, says in paragraph no.4 as follows:

"NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D degree. However, the candidates who have completed M.Phil degree or have submitted Ph.D. thesis in the concerned subject upto 31st December, 1993 are exempted from appearing in the NET examination."



W.P(MD)No.27140 of 2019

WEB COPY

6. According to the above notification, NET is mandatory for a person to be appointed as a Lecturer. The petitioner admittedly did not possess NET qualification. However, it is the contention of the petitioner that vide notification dated 04.05.2016, concession was given to the petitioner. But on penetrative reading of the 2016 notification, it only gives such exemption to the Ph.D. degree holders and not M.Phil degree holders. Therefore, as rightly pointed out by the learned Additional Government Pleader, 2016 notification is not applicable to the facts of the present case. University Grants Commission guidelines are having force of statute. So, when the guidelines stipulates the need for essential qualification, the petitioner cannot contend that since she completed M.Phil degree, NET is not necessary. The said contention is in contravention to the University Grants Commission guidelines. Therefore, this Court is of the view that there are no grounds to find any infirmity in the impugned order dated 31.07.2019. Hence, there is no merit in the writ petition and the writ petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

04.11.2025

Index : Yes/No
NCC : Yes/No
Internet : Yes
mbi



W.P(MD)No.27140 of 2019

To

WEB COPY

1. The Secretary,
Department of Higher Education,
Fort St.George, Chennai-009.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai-006.
3. The Regional Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.



WEB COPY



W.P(MD)No.27140 of 2019

C.KUMARAPPAN, J.

mbi

WP(MD)No.27140 of 2019

04.11.2025