



W.P.No.16405 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-04-2026

CORAM :

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P. No.16405 of 2015

Dr.R.Srikumar

..Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat,
Chennai-600009.

2.The University of Madras
Rep by its Registrar,
University of Madras,
Chepauk, Chennai-600005.

3.Dr.B.Rayvathy
4.Dr.D.Prabu

..Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, praying for issuance of writ of declaration, declaring the appointments of respondents 3 and 4 as Assistant Professor in Microbiology in Ref.No.D.1/TE/Appt. of Asst. Prof. /2014/553 dated: 19.05.2014 by the 2nd



W.P.No.16405 of 2015

respondent is illegal, arbitrary and against recruitment notification, consequently direct the 2nd respondent herein to appoint the petitioner as Assistant Professor in Microbiology in the 2nd respondent University forthwith and pass appropriate order or orders.

For Petitioner : Mr. M.R.Jothimanian

For Respondents : M/s. Indhubala, AGP - R1

Mr.D.Ravichander - R2

Mr.A.E.Ravi Chandran - R3

This writ petition has been filed seeking issuance of a writ of declaration to declare the appointments of respondents 3 and 4 as Assistant Professors in Microbiology, pursuant to the order dated 19.05.2014 passed by the second respondent, as illegal, arbitrary and contrary to the recruitment notification, and consequently to direct the second respondent to appoint the petitioner as Assistant Professor in Microbiology in the second respondent-University.

2. The second respondent issued a recruitment notification inviting applications from eligible candidates for appointment to the post of Assistant Professor in Microbiology, among other disciplines. The petitioner, as well as respondents 3 and 4, claiming to be fully qualified and eligible, submitted their applications. The petitioner applied under both General Turn and MBC category. All the candidates



W.P.No.16405 of 2015

participated in the selection process and appeared before the duly constituted Selection Committee. Upon completion of the selection process, respondents 3 and 4 were selected and appointed. Aggrieved by the same, the petitioner has approached this Court.

3. The learned counsel for the petitioner would contend that the selection process is vitiated by arbitrariness and non-adherence to the prescribed eligibility criteria. It is specifically contended that the third respondent did not possess the mandatory three years of teaching/research experience in a recognised medical college, which is a sine qua non for appointment to the said post. It is further contended that marks were erroneously awarded to the third respondent towards Ph.D. qualification, despite the admitted position that she did not possess a Ph.D. degree.

4. Insofar as the fourth respondent is concerned, the learned counsel would submit that the research experience claimed by him in a private software company cannot be equated with research experience contemplated under the recruitment notification. It is therefore contended that both respondents 3 and 4 were ineligible and that the petitioner, who possessed all requisite qualifications and superior credentials, has been unjustly denied appointment.



W.P.No.16405 of 2015

5. Per contra, the learned counsel appearing for respondents 2 and 3 would submit that the third respondent possessed sufficient teaching and research experience, including the experience gained during her M.D. course. Placing reliance on Clause 13.6 of the Medical Council of India Regulations, it is contended that post-graduate students are required to participate in teaching undergraduate students and interns and such experience ought to be taken into account. It is further submitted that the marks were awarded strictly in accordance with the recruitment notification and that in the absence of specific allegations of mala fides, the same cannot be interfered with in exercise of writ jurisdiction. It is also contended that the fourth respondent possessed more than the requisite research experience.

6. This Court has carefully considered the rival submissions and perused the entire materials placed on record. Despite service of notice, the fourth respondent has not entered appearance.

7. The qualification prescribed in the recruitment notification for the post of Assistant Professor in Microbiology is as follows:



W.P.No.16405 of 2015

MICROBIOLOGY DISCIPLINE

WEB COPY

(i) A first or second class post-graduate degree with State/UGC/CSIR/National Level Screening Test qualification or Ph.D. in Microbiology/related interdisciplinary subject with not less than three years of teaching research experience. (ii) Besides the above, candidates with a Post-graduate Degree in Microbiology in Medical, Veterinary and other professional faculties in the concerned subject with not less than three years of teaching/research experience are also eligible.

8. The qualifications prescribed under the recruitment notification for the post of Assistant Professor in Microbiology require a postgraduate degree in the relevant discipline, along with not less than three years of teaching/research experience. The notification also recognises Ph.D. in Microbiology or related interdisciplinary subjects as an additional qualification.

9. The materials on record disclose that the petitioner possesses B.Sc. and M.Sc. degrees in Biology, a Ph.D. degree obtained in the year 2007, and has extensive teaching and research experience in various academic and research institutions. The petitioner has also contributed significantly to the field through several



W.P.No.16405 of 2015

publications and academic engagements. There is no dispute that the petitioner satisfies the eligibility criteria prescribed under the recruitment notification.

10. Insofar as the third respondent is concerned, though she possesses M.B.B.S. and M.D. (Microbiology) qualifications, the crucial issue is whether she satisfies the requirement of three years of teaching/research experience in a recognised medical institution. The reliance placed on Clause 13.6 of the MCI Regulations, in the considered opinion of this Court, is misplaced.

11. Clause 13.6 reads thus;

13.6. The Post Graduate students shall be required to participate in the teaching and training programme of undergraduate students and interns

The said provision merely mandates participation of postgraduate students in teaching and training programmes and cannot be equated with the structured teaching experience required for appointment as Assistant Professor.

11. The requirement of teaching experience under the recruitment notification must be understood in the context of formal teaching responsibilities in a re-



W.P.No.16405 of 2015

cognised institution. Participation in teaching as part of postgraduate training cannot be treated as a substitute for such experience. Therefore, the third respondent cannot be said to have satisfied the mandatory eligibility criteria.

12. Insofar as the fourth respondent is concerned, it is seen that he possesses a Ph.D. in Medical Microbiology and has produced materials evidencing research experience, including work carried out in a private organisation. The recruitment notification does not expressly restrict research experience to academic or government institutions. In the absence of such a restriction, the Selection Committee, being an expert body, has accepted the experience of the fourth respondent. This Court, in exercise of its limited jurisdiction under Article 226 of the Constitution of India, would not ordinarily substitute its views for that of the expert committee, unless the decision is shown to be perverse or vitiated by mala fides, which is not the case here.

13. However, a serious infirmity is noticed in the award of marks to the third respondent. It is an admitted position that the third respondent does not possess a Ph.D. degree. Nevertheless, she has been awarded 9 marks under the said head. The award of marks for a qualification not possessed by a candidate is clearly ar-



W.P.No.16405 of 2015

bitrary and violative of the principles of fairness in selection. Upon deducting the said 9 marks, the third respondent's total score falls below that of the petitioner.

14. Notwithstanding the above finding, it is to be noted that the appointment of the third respondent was made in the year 2014 and she has been in continuous service for over a decade. At this distance of time, interference with her appointment would not only unsettle a long-standing position but would also cause serious prejudice and administrative complications. In such circumstances, equitable considerations must weigh against disturbing settled appointments.

15. The contention raised by the respondents that the petitioner is not qualified on the ground that his Ph.D. is in Physiology cannot be accepted, as the recruitment notification specifically permits Ph.D. in related interdisciplinary subjects. Physiology, being closely allied to Microbiology, falls within the ambit of such interdisciplinary qualification.

16. The objection regarding delay and laches is also without merit. The petitioner has satisfactorily explained that the writ petition was filed after obtaining ne-



W.P.No.16405 of 2015

cessary information under the Right to Information Act. Hence, the writ petition

cannot be rejected on the ground of delay.

17. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner was more meritorious than the respondent No. 3 who was also not possessing three years of teaching experience and therefore the petitioner has been unjustly denied appointment. Therefore, the denial of appointment would be indefensible in law. While the appointment of the third respondent is not interfered with on equitable considerations, the petitioner is certainly entitled to be accommodated.

18. Accordingly, this writ petition is disposed of with the following directions:

- (i) The second respondent is directed to accommodate the petitioner in a sanctioned vacant post of Assistant Professor (Microbiology);
- (ii) In the event that no such vacancy is presently available, the second respondent shall create a supernumerary post of Assistant Professor (Micro-



W.P.No.16405 of 2015

WEB COPY

biology) and appoint the petitioner thereto; All benefits would flow from the date of appointment , and the Petitioner is entitled for any benefit from the date of appointment of Respondent No.3.

(iii) The above exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.

(iv). Consequently, the connected miscellaneous petition is closed.

No costs.

10.04.2026

Index : Yes
Internet : Yes
Speaking Order
Neutral Citation : Yes

ak



W.P.No.16405 of 2015

WEB COPY

To

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat,
Chennai-600009.

2.The University of Madras
Rep by its Registrar,
University of Madras,
Chepauk, Chennai-600005.



WEB COPY



W.P.No.16405 of 2015

HEMANT CHANDANGOUDAR, J.

ak

W.P. No.16405 of 2015

10.04.2026