
(2011) 02 MAD CK 0058
In the Madras High Court

Case No : Writ Petition No. 13929 of 2009 and M.P. No. 1 of 2009

R. Nanda Kumar

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 14-02-2011

Acts Referred:

Citation : (2011) 02 MAD CK 0058

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : V. Bharathidasan, for the Appellant; G. Sankaran, Special Government Pleader, for the Respondent

Judgement

Vinod K. Sharma, J.—The Petitioner has approached this Court, to challenge the rejection of his candidature for the post of Lecturer in

Computer Science. The Petitioner is qualified Master of Computer Application from Madras University. The Petitioner thereafter acquired the

qualification of M. Phil decree in Computer application in Bharathidasan University, Trichy in the year 2002-2004. The Petitioner also cleared the

National Eligibility Test (NET) conducted by the Agricultural Scientist Recruitment Board (ICAR), New Delhi, in the subject of computer

application in Agriculture .The Petitioner, on completion of his Master of Computer Application, was appointed as Lecturer in Computer Science

Department in S.R.M. College of Arts and Science, Kattangulathur, Kancheepuram District, where he is working for the last 10 years.

2. In pursuance to the advertisement for the post of Lecturers in Computer application, the Petitioner applied for the appointment to the post of

Lecturers in Government college of Arts and Science. As per the selection criteria adopted by the Respondents, the total marks allotted for

selection were fixed as 50 marks i.e. 15 marks for Teaching experience (two marks for each year subject to be maximum of 15 marks), for

candidates having Ph.D. qualification, maximum marks of 9 were to be awarded and for the candidates with M. Phil degree with State Level

Eligibility Test(SLET)NET, and maximum of 6 marks were to be awarded for P.G. Degree with SLET/NET, 5 marks were allotted for Research

Contribution/Books/Article published and maximum of 10 marks were fixed for interview.

3. The qualification prescribed for the post prescribed in the Prospectus read as follows:

Qualifications:

a) All candidates other than SC/ST: Candidates with (1) Postgraduate degree in the subject with minimum 55% marks and (ii) a pass in

UGC/CSIR/JRF/NET Lecturer-ship test or State Level Educational Testing(SLET)

(OR)

Candidates with (i) Postgraduate degree in the subject with a minimum of 55% and (ii) M. Phil or PH.d degree or both, are eligible to apply.

b) For SC/ST candidates: Candidates with (i) Postgraduate degree in the subject with minimum 50% marks and (ii) a pass in the

UGC/CSIR/JRF/NET Lecturer-ship test or State Level Educational Testing (SLET)

(OR)

Candidates with (i) Postgraduate degree in the subject with a minimum of 50% marks and (ii) M. Phil or Ph.D. degree or both, are eligible to

apply.

4. The case of the Petitioner is that though he was qualified having M. Phil degree with NET, he was awarded zero marks for qualification, as

would clear from Result Sheet which reads as under:

Teachers Recruitment Board

College Road, Chennai 600006.

Direct Recruitment Lecturers for

Government Arts and Science Colleges and Colleges of Education 2008-09

RESULTS OF CANDIDATES PROVISIONALLY SELECTED FOR APPOINTMENT

1. Query your result (only for candidates who have attended interview) (to query

your result, enter your Roll No. eg: C01010000)

Roll No...Result

Roll No Name Subject Community Date of Marks Total Provisionally Communal
Remarks

Birth Awarded for selected Turn

IF BAFQIM

C2027 Nanda Computer GT 18/5/1 15 040 7 26 No .. Not

0028 Kumar Science 974 qualified in

SLET in

Agriculture

Abbreviations:

TE-Teaching Experience

BA-Book and Articles

EQ-EDUCATION Qualification

IM-Interview Marks

II. Subject Index of List of Candidates Provisionally Selected for Appointment
(Click on the subject name to get the list.

Sl.No. Sub Code Subject No.of Candidates

Provisionally

selected

24-06-09

1 CO1 TAMIL 92

2 CO2 ENGLISH 181

3 CO3 MATHEMATICS 101

4 CO4 PHYSICS 121

5 C22 MICROBIOLOGY 1

6 C35 TELEGU 4

7 C38 HINDI 3

26-06-09

SLNo Sub Code Subject No.of Candidates

Provisionally

selected

8 CO6 BOTANY 68

9 CO7 ZOOLOGY 67

29-06-09

10 CO8 HISTORY 97

11 CO9 GEOGRAPHY 36

12 C10 ECONOMICS 84

30-06-09

13 C20 COMPUTER SCIENCE 35

A reading of the result sheet shows that the candidature of the Petitioner was arbitrarily rejected, by awarding only zero mark for educational

qualification. The reason for non grant of any marks for educational qualification was, that he had not qualified SLET, in agriculture.

5. A reading of the educational qualification given in the prospectus shows that the candidate who was graduate with the minimum 55% marks and

qualified in NET, was eligible, as UGC/CSIR/JRF/NET was an alternative qualification to SLET.

6. The Petitioner was also qualified, as he was having M. Phil degree, even in the absence of NET or SLET. The impugned order rejecting his

candidature, cannot be sustainable in law, in view of the settled law, that qualification laid down in prospectus are binding, having force of law.

7. Consequently, the order rejecting the candidature of Petitioner is set aside, and direction is issued to the Respondents, to consider the case of

the Petitioner for appointment after granting requisite marks for the qualification of M. Phil degree with NET. The needful be done preferably within

a period of one months, from the date of receipt of a certified copy of this order.

8. The writ petition is disposed of. No costs. Consequently, M.P. No. 1 of 2009 is closed.