
(2015) 06 MAD CK 0488

In the Madras High Court

Case No : Writ Petition (MD) No. 520 of 2015 and M.P.(MD) No. 1 of 2015

R. Ravindran

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 08-06-2015

Acts Referred:

Citation : (2015) 06 MAD CK 0488

Hon'ble Judges : S. Vaidyanathan, J

Bench : Single Bench

Advocate : M. Saravanakumar, for the Appellant; R. Anandaraj, Government Advocate, Advocates for the Respondent

Final Decision : Disposed off

Judgement

S. Vaidyanathan, J—The prayer in the Writ Petition is for a Writ of Mandamus to direct the respondents to consider the petitioner's name for appointment to the post of Assistant Professor (Commerce) in Tamil Nadu Collegiate Educational Service in accordance with his qualifications, Teaching Experience and UGC NET Certificate in respect of recruitment made through Advertisement No. 04/2013 to recruit Assistant Professors in Tamil Nadu Collegiate Educational Service for appointment in Government Arts and Science Colleges-2012.

2. Heard Mr. M. Saravanakumar, learned counsel appearing for the petitioner and Mr. R. Anandaraj, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that he has completed Bachelor Degree in B. Com. at Manonmanium Sundaranar University in the year 1996 and Masters Degree in M. Com. in the year 1998 and M. Phil. Degree (Gold Medal) in Madras University in the year 1999 and Ph.D. in the year 2011. After completion of M. Phil. Degree, he joined as a Lecturer in a reputed College and completed 8 years and six months as teaching experience and hence he is eligible to be appointed as Assistant Professor in any one of the Government Arts College in the State.

4. According to the petitioner, vide G.O.Ms. No. 217, Higher Education (F2)

Department, dated 13.09.2011 and G.O.Ms. No. 29, Higher Education (F2) Department, dated 05.03.2012 and Government Letter No. 20575A/F2/2011, dated 15.05.2013, the Government of Tamil Nadu has permitted the Teachers Recruitment Board to recruit Assistant Professors numbering 1093 in various subjects in Tamil Nadu Collegiate Educational Service for appointment in Government Arts and Science Colleges. The posts will be filled up on the basis of weightage marks to be awarded for (a) Teaching experience; (b) Higher Educational Qualifications in the subject and (c) marks to be awarded in the interview. The estimate of vacancies for Assistant Professors is 1093 posts and 80 posts are notified as vacant in the Commerce faculty.

5. The petitioner submitted that the scheme of selection involves two stages. Marks will be awarded to all the candidates based on the certificates produced by them alongwith the Application Forms as per criteria and also the marks awarded during the interview. The total marks of 34 narrated in the affidavit is extracted below:

(i) For Teaching experience in Universities/Government/aided colleges/Self financing colleges in the approved post including the Teaching experience (in the relevant subject) of the candidates in Medical/Engineering/Law Colleges. (2 marks for each year subject to a maximum of 15 marks) Maximum 15 marks.

(ii) Qualification:

(a) For Ph.D. in concerned subject - 9 marks 9 marks.

(b) For M. Phil with SLET/NET - 6 marks.

(c) For PG & SLET/NET 4 marks.

(iii) Interview 10 marks.

Total 34 marks."

Based on the rank-cum-communal roster, candidates will be short-listed for interview in the ration of 1:5.

6. According to the petitioner, he submitted his application to the second respondent along with necessary documents for the post of Assistant Professor (Commerce) and he was called for certificate verification on 25.11.2014. After the Certificate Verification, weightage marks have been awarded to all the eligible candidates as per their educational qualifications and that the petitioner was awarded 14 marks, even though, the petitioner is entitled to 15 marks, as he had teaching experience for a period of 8 years and 6 months at that point of time. After short-listing the candidates, the candidates have been called for interview in various categories and the petitioner was also called for interview under the backward class quota. The petitioner attended the interview and the result was published on 24.12.2014. In the internet, the petitioner found that he was awarded 9 marks for educational qualification, 14 marks for teaching experience and 6 marks for interview, totalling 29 marks.

7. According to the petitioner, he should have been awarded 15 marks for teaching experience as the petitioner was teaching in St. Xavier's College (Autonomous), Palayamkottai for a period of 7 years, 9 months and 10 days, and 9 months in S.R.M. University, Kattankulathur. The petitioner submitted that totalling the teaching experience period in the two institutions is over 8 years and 6 months and hence he should be considered to the post of Assistant Professor (Commerce) and if the petitioner is awarded 15 marks for teaching experience, he would be entitled for consideration to the said post. Since, the petitioner has not been considered, he has prayed that his name should be considered for the post Assistant Professor (Commerce) in Tamil Nadu Collegiate Educational Service in accordance with his qualifications, Teaching Experience and UGC NET Certificate in respect of recruitment made through Advertisement No. 04/2013 to recruit Assistant Professors in Tamil Nadu Collegiate Educational Service for appointment in Government Arts and Science Colleges-2012.

8. The second respondent has filed a detailed counter, wherein the contentions raised on the side of the petitioner have been accepted in part, except the fact that the petitioner cannot claim 15 marks towards his teaching experience, as the petitioner has completed only 7 years and 9 months in St. Xavier's College (Autonomous), Palayamkottai, based on the experience certificate issued by the said College. It is further contended that the period of 9 months teaching experience in S.R.M. University, Kattankulathur was not approved by the Joint Director of Collegiate Education and hence the said period has to be excluded and hence the marks awarded to the petitioner is perfectly in order and he cannot plead that he should be given 15 marks. The teaching experience obtained by the petitioner in two educational institutions cannot be clubbed in view of Clause 16(e) of the Advertisement dated 28.05.2013, which is extracted below:

16. The Teaching Experience Certificate (Counter Signing Authority):

... .. e) The experience certificate of Candidates who worked/working in Government/Aided/Self-financing Arts & Science Colleges should be countersigned by the Regional Joint Director of Collegiate Education".

9. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

10. It is not in dispute about the facts mentioned supra. The controversy case is as to whether the petitioner is entitled to be given 15 marks towards teaching experience taking into the teaching experience for the period of 7 years 9 months and 10 days in St. Xavier's College (Autonomous), Palayamkottai and 9 months in S.R.M. University, Kattankulathur.

11. The learned counsel appearing for the petitioner has contended that even though, the petitioner has completed 7 years 9 months and 10 days ignoring the other experience certificate, he should be awarded 15 marks as he has completed more than 7 years 9 months and that if one mark is given for every

six months, he is entitled to 15 marks and therefore the said period will have to be rounded to 8 years. The said contention cannot be accepted as it is not like an employee seeking benefit of gratuity stating that the period should be rounded to the nearest year. However, a reading of Clause 16(e) of the Advertisement makes it very clear that experience certificate should be countersigned by the Regional Joint Director of Collegiate Education. It does not mean that the service rendered in other College will have to be ignored. It is only a technical objection raised by the Government. If the respondents are able to establish that the 9 months experience rendered by the petitioner in S.R.M. University, Kattankulathur is not genuine, they are perfectly justified in rejecting that period and not taking into account. Hence, total period of 8 years and 6 months will have to be taken into account for the purpose of awarding marks with regard to teaching experience and granting of 14 marks on the ground that the certificate has not been countersigned by the Regional Joint Director of Collegiate Education is only a technical objection and it is only a procedural aspect. That apart, the petitioner being a Gold Medalist and that nowadays getting good teachers to take classes is very difficult, depriving the candidature on the ground that one mark, if the petitioner is otherwise eligible, may not be justified. Hence, taking note of the submissions made by both parties, I direct the respondents to allot 15 marks as mentioned in the notification for teaching experience and consider the petitioner for appointment to the post of Assistant Professor (Commerce), if the petitioner is otherwise eligible and comes within the zone of consideration. The grant of 1 mark will not give right to the petitioner to get appointment, if he does not come within the zone of consideration.

12. With the above direction and observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.