

W.P.No.15473 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.03.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.15473 of 2019
and W.M.P.No.15411 of 2019

Dr.Sangeetha Sriraam,
D/o. Mr.N.Sriram,
B16, Shakthi Majestic,
48, Pillayar Koil Street,
Okkiam, Thoraipakkam,
Chennai – 600 097.

... Petitioner

Vs.

1. The Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

2. State of Tamil Nadu,
Represented by its Secretary,
Law Department,
Fort St. George, Chennai – 600 009.

3. University Grants Commission (UGC),
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

... Respondents

(R3 – impleaded as per order dated 24.02.2025 in W.M.P.No.20127/2021 in W.P.No.15473/2019)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India



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for issuance of Writ of certiorarified mandamus to call for the provisional

WEB COPY selection list of candidates published on 14.05.2019 by the first respondent pursuant to TRB notification No.2 of 2018, quash the same and consequently directing the first respondent to appoint the petitioner to the post of Assistant Professor against the vacancy for GT/GT(W) in Human Rights department contemplated in paragraph No.2 of the said notification.

For Petitioner : Mr.M.Nirmalkumar
For R1 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.R.Siddharath
Standing Counsel for TRB
For R2 : Mr.V.Umakanth
For R3 : Mr.P.R.Gopinathan

ORDER

Heard Mr.M.Nirmalkumar, the learned counsel for the petitioner, Mr.R.Neelakandan, the learned Additional Advocate General, Mr.V.Umakanth, the learned counsel for the second respondent and Mr.P.R.gopinathan, the learned counsel for third respondent.

2. This writ petition has been filed to challenge the provisional selection



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list of candidates published on 14.05.2019 by the first respondent and

WEB consequently direct the first respondent to appoint the petitioner to the post of
COF 'Assistant Professor' against the vacancy for GT/GT(W) in Human Rights
Department contemplated in paragraph No.2 of the said notification.

3. The petitioner had applied to the post of 'Assistant Professor' (Human Rights) in response to the notification of the first respondent dated 18.07.2018. The above vacancy has arisen under the category GT/GT(W). The petitioner attended the written examination and cleared the same by securing first rank in the Human Rights section by obtaining 133 marks out of 175 and subsequently she got a call letter on 18.02.2018 from the first respondent for attending the interview. Accordingly, the petitioner had attended the interview also. On 14.05.2019 the provisional selection of candidates was published but the petitioner's name was not found. The candidates who found place in the selection list are those candidates who have obtained less marks than the petitioner in the written examination.

4. Mr.M.Nirmalkumar, the learned counsel for the petitioner, submitted that even if the candidates who have secured second, third and fourth rank is presumed to have obtained 25/25 marks in the interview, the petitioner ought



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not to have been excluded from the selection list. The petitioner has claimed

that if the marks obtained by her in the interview also clubbed with her written examination mark, she would stand comfortably ahead of the selected candidates.

5. Mr.V.Umakanth, the learned counsel for the second respondent, submitted that the candidature of the petitioner could not be considered because the petitioner had qualified in LLM degree by doing one year LLM Programme and the degree required for appointment is two years LLM Programme.

6. Even the above reason was made known to the petitioner only through the counter filed by the second respondent and not any time before. It is seen from the Rules in the Notification that the requirement with regard to Master's Degree is specified as 55% of mark or an equivalent grade in a point scale wherever the grade system is followed in a concerned / relevant / allied subject from an Indian University or an equivalent degree from an accredited foreign University.

7. The petitioner had secured her LLM degree from National Law School of India Univeristy, Bangalore by enrolling herself in one year LLM



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Programme. In the notification nowhere it is stated that the LLM Programme

should be two years only. It just say about the percentage of mark and the nature of the Indian University or in case of foreign University it should be an accredited foreign University. The respondents would have been aware of the fact that in many of the accredited foreign Universities also the LLM degree programme is conducted through one year only.

8. Attention of the Court is drawn to the judgment of the Hon'ble Division Bench of this Court held in ***Suganya Jeba Sarojini Vs. The Tamil Nadu Dr.Ambedkar Law University and other*** reported in ***(2024) SCC OnLine Mad 367*** wherein Clause 3.1 of the Tamil Nadu Dr.Ambedkar Law University PhD Regulations, 2020 has been extracted as under:

" 3. Eligibility Criteria for Admission:

3.1 PhD Degree in Law (Full-Time):

Candidate's possessing a Two years Master's Degree in Law from any recognised university through regular full-time study having secured a minimum of 55% of marks in the aggregate or an equivalent grade in point scale wherever grading system is followed."
(Emphasis supplied)

9. However, the learned Additional Advocate General for the first respondent submitted that one year LLM programme is applicable only to appointment of Ph.D. courses and not for public appointments. It is clarified by



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the respondents 1 and 2 that one year LLM programme is permitted only when

10+2+5+1 pattern is adopted and not 10+2+3+3 pattern.

10. However the very same issue is surfaced in the order passed by this Court in *K.Parandhaman Vs. The Secretary, Tamil Nadu Public Service Commission* reported in (2024) SCC OnLine Mad 2210, wherein it is held that the numerals are intended to clarify S.S.L.C. (minimum 10 years of study) + Higher Secondary (minimum two years of study) + Under Graduate + Post Graduate and it shall not be read as one year LLM or two year LLM.

11. As stated already even the petitioner's notification does not prescribe that for the purpose of appointment the requirement is only two years LLM programme. When the one year LLM programme is recognized by University Grants Commission (UGC) and that is accepted for the purpose of admission to Ph.D., I find no reason to reject it for the purpose of appointment.

12. Even though the employer is a rightful person who should demand the educational requirement for a post to be filled up in this regard, the qualification contemplated by the employer shall not make any arbitrary



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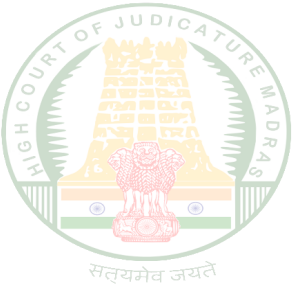
discrimination between equivalent and similar course without any valid basis.

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13. As stated already one year LLM Programme has been approved by UGC and that has been accepted as qualification to get enrolled in Ph.D. programme in Tamil Nadu Dr.Ambedkar Law University itself. It is needless to state that the University in which the petitioner had done her one year LLM course is one of the most reputed Law School in the country and it is needless to state that one year LLM course would have also included the research aspect as well. Under such circumstances, no invalidation can be attached to one year LLM degree for the purpose of getting appointment in the public departments or Universities.

14. As the petitioner has proved her eligibility by having secured first rank in the written examination, the respondents ought to have considered her candidature for appointment at least after the judgment passed by the Division Bench of this Court in *Suganya Jeba Sarojini's case* (cited supra).

15. As I find no reason to withhold the appointment of the petitioner and it is also learnt that one post has been reserved for the petitioner by getting an interim order to that effect, I feel it is appropriate to issue suitable directions.



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WEB COPY 16. In the result the Writ Petition is allowed and the provisional selection

list of candidates published on 14.05.2019 by the first respondent is hereby quashed and the first respondent is directed to include the name of the petitioner in the selection list and the second respondent is directed to release the appointment order to the petitioner by giving retrospective effect to her seniority from the date during which the candidates who have secured marks less than her and were appointed, by giving notional effect from the date of their appointment and with monetary effect from the date on which she is appointed to the post and with all other attendant and service benefits and release the order to this effect, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

26.03.2025

Index : Yes/No

Neutral citation : Yes/No

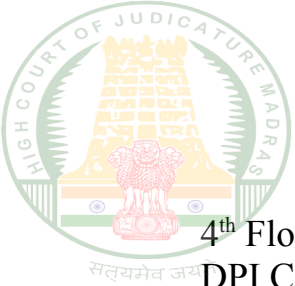
Speaking Order/Non-Speaking Order

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To:

1. The Member Secretary,
Teachers Recruitment Board,

8/10

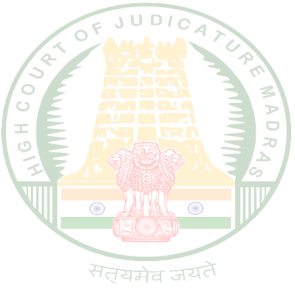


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2. The Secretary,
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3. The Secretary,
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R.N.MANJULA, J.

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