



W.P.No.21415 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	02.02.2024
Pronounced on	15.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21415 of 2022
and
W.M.P.Nos.20415, 20417 and 20418 of 2022

H.Risuwanabegam

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai – 600 009.

2.Teachers Recruitment Board,
Represented by its Chairman,
EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

3.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road, Guindy,
Chennai – 600 032.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Provisional Selection List dated 31.07.2022 for the post of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering) issued by the 2nd respondent and quash the same as illegal in so far as non inclusion of the petitioner's name is concerned and consequently direct the 2nd respondent to award 3 weightage marks to the petitioner for the M.E. Degree in Thermal Engineering as per the 3rd respondent's letter dated 09.12.2019 having Lr.No.32483/B2/2019 taking the total marks of the petitioner as 70.06788 marks out of 190 and select the petitioner under the quota reserved for Backward Class Muslim (Women)(BCM W) for the post of Lecturer in Mechanical Engineering pursuant to Notification No.14/2019, dated 27.11.2019.

For Petitioner	: Mrs.Nalini Chidambaram Senior Counsel for Mrs.C.Uma
For R1 and R3	: Dr.T.Seenivasan Special Government Pleader
For R2	: Mr.R.Neelakandan Additional Advocate General assisted by Mr.C.Kathiravan Standing Counsel



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ORDER

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This Writ Petition has been filed challenging the Provisional Selection List, dated 31.07.2022 for the post of Lecturer in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering) issued by the 2nd respondent.

2. The 2nd respondent issued Notification No.14 of 2019, dated 27.11.2019 inviting the applications from the eligible candidates for Direct Recruitment to the post of Lecturer in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering) Tamil Nadu Educational Service for the year 2017 to 2018. The total number of vacancies were notified as 1060, in which for the subject of Mechanical Engineering, the total number of vacancies were notified as 219. Among that 219 vacancies, 3 vacancies were allotted for the category of BCM (W).

3. The petitioner belongs to Muslim and coming under the category of BCM (W). The petitioner had applied for the post of Lecturer in Mechanical Engineering enclosing the relevant documents including her U.G. Degree and P.G. Degree. The petitioner appeared for the written examination and scored



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67.06788 marks out of 190 marks. The petitioner's name was also appeared in the list of Shortlisted candidates for Certificate Verification for Direct Recruitment to the post of Lecturer. The 2nd respondent issued notice for Certificate Verification to be held on 18.07.2022. The petitioner appeared and produced relevant original certificates for verification. The petitioner is qualified with B.E. Degree in Aeronautical Engineering and M.E. Degree in Thermal Engineering. However, she was not selected under the category BCM. Therefore, the petitioner submitted a representation stating that if the Master's degree in Thermal Engineering is taken note of, additional 3 marks should have been awarded with her written examination marks. However, the representation was not considered so far.

4. Mrs.Nalini Chidambaram, learned Senior Counsel appearing for the petitioner submitted that the petitioner had qualified with B.E. Degree in Aeronautical Engineering under the faculty of Mechanical Engineering from Anna University and therefore, it is also coming under the Mechanical Engineering. Hence, she is eligible for the post of Lecturer in Mechanical Engineering. She had also qualified with M.E. Degree in Thermal Engineering under the faculty of Mechanical Engineering. Therefore, she is eligible for



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additional weightage of three marks as per Clause 10 (b) of the Notification.

She also submitted that as per the Notification, dated 28.04.2017 issued by All India Council for Technical Education, the major branches of Engineering/Technology and their relevant/appropriate branch of UG/PG degree in Engineering/Technology was published. The B.E. Degree in Aeronautical Engineering secured by the petitioner in Anna University comes under the faculty of Mechanical Engineering. Likewise, the M.E. Degree in Thermal Engineering is also coming under the faculty of Mechanical Engineering. Therefore, both the UG as well as the PG come under the major discipline of Mechanical Engineering.

4.1 She mainly relied upon the letter, dated 23.10.2020 by the Member Secretary, All India Council for Technical Education, thereby issued clarifications on equivalence/relevance or appropriateness of nomenclatures of degrees in Engineering and Technology for recruitment to teaching positions/promotions/CAS in the same or the other institutions/Universities. It revealed that several institutions, however, interdisciplinary programs such as Mechatronics, Automobile Engineering, Instrumentation, etc., the advancement of knowledge, research mostly happens in the intersecting domains of the



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disciplines. Therefore, rigid walls between the conventional programs are getting obliterated and compartmentalization of disciplines is no longer advisable/desirable/possible. There are other major disciplines in which there are relevant/appropriate courses being offered and graduates of these courses are being rejected by the employers. This is affecting eligible candidates' careers and their professional growth. The following points need be noted and appreciated in the context of notification issued by AICTE vide Govt.of India, Gazette notification F.No.27/RIFD/Pay/01/2017-18 dated 28.04.2017:

“For recruiting UG faculty in departments of interdisciplinary nature (such as aeronautical, biotechnology, nanotechnology, etc. for example) either UG or PG degree from that major discipline may be considered necessary. However, the other degree can be from allied major disciplines. The allied major disciplines can be decided by the recruiting agency. For example, for recruiting Assistant Professor in nanotechnology department, one can have either a UG degree or a PG degree in nanotechnology, but the other degree can be from any other allied field such as Mechanical Engineering, Metallurgy Engineering, Production Engineering or their specializations. Similarly, B.Tech. in Mechanical Engineering and M.Tech. in Aeronautical Engineering can be considered as eligible for a faculty position in Aeronautical Engineering department. Even a B.Tech. in Aeronautical Engineering and M.Tech. in Thermal and Fluid Engineering which is one of the specialization of Mechanical Engineering can be considered eligible.”



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5. She further submitted that as per G.O.Ms.No.20, Higher Education (C2) Department, dated 14.01.2020, the nomenclature of relevant degrees were given. Accordingly, the degree shall be in the appropriate/relevant branch of specialization. Many IITs, NITs, Central Universities start interdisciplinary programs of new nomenclatures. Therefore, incumbent faculty recruited in the past based on their qualifications/specialization acquired will continue to be eligible for promotion as well as direct recruitment in the same or other institutions, subject to fulfilment of other eligibility criteria and higher qualifications as prescribed, if any. Even then, the petitioner was not selected to the post of Lecturer in Mechanical Engineering.

6. The 2nd respondent filed a counter and Mr.R.Neelakandan, Additional Advocate General appearing for the 2nd respondent submitted that as per the Notification, dated 27.11.2019, invited the application from the eligible candidates for Direct Recruitment for the post of Lecturer in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering) Tamil Nadu Educational Service for the year 2017 – 2018. As per the addendum to the Notification, dated 21.01.2020, published the list with details of equivalent qualifications incorporated in Paragraph No.7. Accordingly, as far



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as the Mechanical Engineering is concerned, only courses in Production Engineering, Manufacturing Engineering, Mechanical (Sandwich – 5 years Engineering) offered by Anna University were treated as equivalent subjects to Mechanical Engineering, whereas the petitioner is qualified with B.E. Degree in Aeronautical Engineering from Anna University and also qualified with M.E. Degree in Thermal Engineering from Anna University, Chennai. She has applied for the post of Lecturer in Mechanical Engineering. Therefore, it is not equivalent to Mechanical Engineering. As per G.O.Ms.No.270, Higher Education (J1) Department, dated 03.12.2019, the B.E. Degree in Mechanical Engineering, Production Engineering, Manufacturing Engineering, Mechanical (Sandwich) 5 years Engineering are equivalent to B.E. Mechanical Engineering. Therefore, the Aeronautical Engineering does not fall within the equivalence of B.E. Mechanical Engineering.

7. Further, the petitioner is qualified with Post Graduate degree in Thermal Engineering. Since her graduate degree is not equivalent to Mechanical Engineering, hence she is not eligible to get weightage marks for the Post Graduate Degree namely, M.E. in Thermal Engineering. The last cut off mark under BCM(W) is 69.43575. The petitioner had secured only



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67.06788. Therefore, she is not coming under the zone of consideration for selection.

8. That apart, her Under Graduate Degree is not equivalent to Mechanical Engineering. The Member Secretary of All India Council for Technical Education clarified that various branches introduced under the Mechanical Engineering can be construed as Mechanical Engineering, whereas the Aeronautical Engineering is not equivalent to Mechanical Engineering as per the Government Order. Therefore, the qualifications of the petitioner is not equivalent to Mechanical Engineering.

9. In view of the above, the Writ Petition itself is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J,

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To

- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai – 600 009.
- 2.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road, Guindy,
Chennai – 600 032.

**Pre-delivery order made in
W.P.No.21415 of 2022
and W.M.P.Nos.20415, 20417 and 20418 of 2022**

15.02.2024