

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.32187 of 2012
and M.P.Nos.1 and 2 of 2012

G.Jagadeeswari

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 006.
- 2.Equivalence Committee,
Tamil Nadu Public Service Commission,
Commercial Tax Annex Building,
No.1, Greams Road, Chennai 600 006.
- 3.Teachers Recruitment Board,
Rep.by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Compound, Chennai 600 006.
- 4.The Director
School Education Department,
Directorate of School Education,
DPI Compound, Chennai-6.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to forthwith place the B.Sc. Applied Chemistry Degree Course detail, before the 2nd respondent for evaluating the same to treat the B.Sc. Applied Chemistry degree equivalent to BSc Chemistry for the purpose of appointment to the post of B.T. Assistant in Chemistry subject in Higher Secondary Schools and consequently direct the 2nd respondent to submit its recommendation to the 1st respondent within a reasonable period from the date of the reference to the 1st respondent so as to enable the 1st respondent to pass appropriate orders.

For Petitioner : Ms.C.UMa

For R1, R3 & R4 : Mr.R.Govindasamy
Spl.Govt.Pleader

For R2 : Mr.CNG.Niraimathi, SC
for TNPSC

O R D E R

The petitioner was one among the candidates who applied for the Tamil Nadu Teachers Eligibility Test Supplementary Examination held on 14.10.2012 for Paper-II. After passing the test, she was called for certificate verification. At that time, it was found that she possessed B.Sc., (Applied Chemistry). Since the required qualification for the post of B.T. Assistant (Science) is B.Sc. Chemistry and the qualification of B.Sc. (Applied Chemistry) is not equivalent to B.Sc. (Chemistry), she was declared ineligible. Hence, the petitioner has filed the present writ petition seeking for a direction to the first respondent to place the B.Sc. (Applied Chemistry) Degree Course before the second respondent for the purpose of treating the same as equivalent to B.Sc. (Chemistry).

2. The third respondent has filed a counter affidavit stating that the Equivalence Committee is constituted only as and when need arises and that the same cannot be constituted at the behest of the petitioner's claim and further, the Board has no authority to request the Government to constitute Equivalence Committee.

3. Heard Ms.C.Uma, learned counsel appearing for the petitioner ; Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1, 3, 4 and Ms.CNG.Niraimathi, learned Standing Counsel for the fourth respondent/TNPSC.

4. The learned Special Government Pleader appearing for the respondents submitted that since no Government Orders was issued treating B.Sc. (Applied Chemistry) as equivalent to B.Sc. (Chemistry), the petitioner was disqualified for selection to the post of Graduate Assistant. The learned Special Government Pleader would further submit that the Board has already completed the selection process and all the vacancies have been filled up. Hence, the petitioner cannot claim for consideration of her candidature to the post of Graduate Assistant in the absence of a recommendation to treat B.Sc. (Applied Chemistry) as equivalent to B.Sc. (Chemistry).

5. I am unable to accept the contention raised by the Special Government Pleader and the stand taken by the Board in their counter in this regard. Whenever, any Teachers Eligibility Test is intended to be called for to which the special subjects may be equivalent to other general subjects, it would be appropriate for the first respondent to place the issue in advance before the Equivalence Committee, prior to certificate verification.

6. There may be instances where candidates could be disqualified for not possessing the required qualification, though at a later stage her qualification may be treated as equivalent to the prescribed qualification by the Equivalence Committee. In such an event, it would be unjust to such a candidate who had been disqualified for appointment in the earlier selection and who may become qualified by a subsequent decision of the Equivalence Committee and by which time, the selection process would have been completed. In order to avoid these infirmities, it would be appropriate that before the third respondent intends to commence any selection process, they have to take into account the various specialities of the degrees which could be considered as equivalent to the post called for selection and place the same before the Equivalence Committee after obtaining necessary orders from the first respondent. This exercise would facilitate candidates who may possess the prescribed qualification, but may not be eligible for want of an equivalence certificate.

7. Under such circumstances, whenever situation arises, where the Teachers Eligibility Test candidates are treated ineligible for the post of Graduate Assistant for want of equivalence certificate, it would be appropriate for the respondents 1 and 2 to take a decision on whether the degree of B.Sc. (Applied Chemistry) is equivalent to B.Sc. (Chemistry) for the purpose of filling up vacancies that may arise for the post of Graduate Assistant in the subject of Science in future.

8. Hence, there shall be a direction to the first respondent to forthwith place B.Sc. (Applied Chemistry) Degree Course before the 2nd respondent for evaluating the same and consequently take a decision as to whether B.Sc. (Applied Chemistry) Degree course can be treated as equivalent to B.Sc. (Chemistry), at the earliest. The said exercise shall be completed atleast within three months from the date of receipt of the order.

The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kkd

To

1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 006.

2.Equivalence Committee,
Tamil Nadu Public Service Commission,
Commercial Tax Annex Building,
No.1, Greams Road, Chennai 600 006.

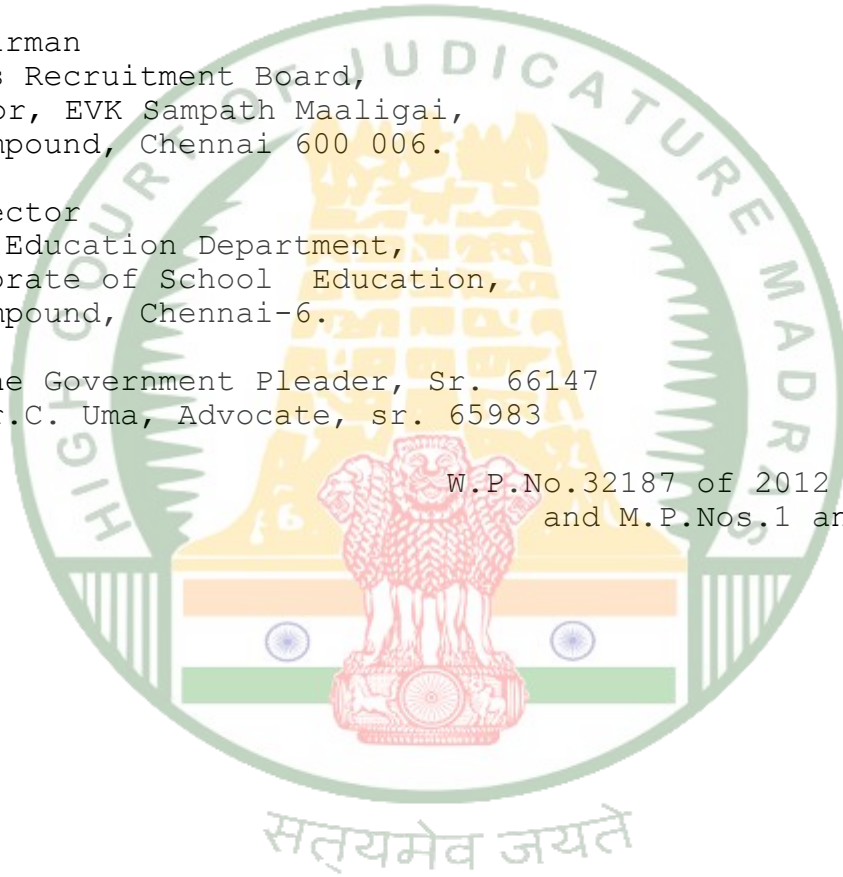
3.The Chairman
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, Chennai 600 006.

4.The Director
School Education Department,
Directorate of School Education,
DPI Compound, Chennai-6.

1 cc to the Government Pleader, Sr. 66147
1 cc to Mr.C. Uma, Advocate, sr. 65983

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SG (CO)
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