

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP.No.524 of 2015

MP.No.1 of 2015

S.Sureshraj

Petitioner

Vs

1.The Member Secretary, Teachers Recruitment Board
Chennai-6

2.The Director of School Education, Chennai-6

3.The District Employment Officer
Villupuram, Villupuram District

Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in proceedings in Rc.No.11930/BT/LC/2014, dated 12.12.2014 and to quash the same and to direct the Respondents to appoint the Petitioner as B.T.Assistant (Mathematics) according to the employment exchange seniority for the year 2010-2011 under the S.C (Depending Ex-serviceman) Priority category and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan for M/s.C.S.Associates

For Respondent : Mr.R.M.Muthukumar, GA

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in proceedings in Rc.No.11930/BT/LC/2014, dated 12.12.2014 and to quash the same and to direct the Respondents to appoint the Petitioner as B.T.Assistant (Mathematics) according to the employment exchange seniority for the year 2010-2011 under the S.C (Depending Ex-serviceman) Priority category and confer all the consequential benefits.

2. The Petitioner passed B.Sc (Statistics) in 1994, M.Sc (Statistics) in 2003, B.Ed (Maths) in 2009 and M.Phil. (Statistics) in 2012. He applied for the post of B.T.Assistant (Mathematics) according to employment exchange seniority for the year 2010-2011 under the SC (Depending Ex-Servicemen) priority category. The representation of the Petitioner was rejected by the impugned order, stating that no equivalence Government order was issued by the Government for the qualification possessed by him at the time of certificate verification and that the Petitioner has filed the petition after a lapse of nearly 4 years and that the recruitment process for the year 2010-2011 has already been completed. Hence, this Writ Petition has been filed with the prayer as stated above.

3. This court heard the learned counsel on either side and considered their submissions and perused materials placed on record.

4. The subject matter involved in this Writ Petition had already been decided by the Division Bench of this court in WA.Nos.160 and 161 of 2016, by order dated 15.02.2016 and the Madurai Bench of this court in a batch of Writ Petitions in WP (MD)No.16181 of 2013, by order dated 29.11.2013. The equivalence certificate issued by the committee constituted by the Government, declaring that the degrees obtained from one University is equivalent to the degrees obtained from yet another University cannot be held to be only as prospective in operation, but it will have its effect and validity right from the date of issuance, as has been held in the decisions cited supra.

5. The Division Bench of this Court, in WA.Nos.160 and 161 of 2016 by order dated 15.02.2016, it has been held as follows:-

"8.In view of the fact that the subject matter in issue is covered by the Full Bench Decision of this Court in Nadar Thanga Shubha Laxman, A. V. State of Tamil Nadu rep. By its Principal Secretary, Department of School Education, Fort St. George, Chennai-9 and another reported in (2014 (3) CTC 433), wherein one of us, [M.VENUGOPAL, J.] was a Member, whereby and whereunder, in paragraphs 23 to 25, it is observed as follows:

"23. Also, in the present case, neither the Equivalence Committee nor the Government Orders in G.O.Ms.Nos.72, dated 30.04.2013 and 117, dated 02.07.2013, confined the validity of the degree obtained by the candidates to operate prospectively, 6 therefore, as per the above judgements, when the

vested rights are created from the date of their acquisition of equivalent degrees, the respondents cannot take a stand that the degrees obtained by the petitioners will only have prospective effect from the date of issuance of Equivalence Certificate. When both the Equivalence Committee and the Government Order have consistently not mentioned the effect of the validity of the degree, it is not proper to hold prospective by any one, more so, by the Court. That apart, a degree or a certificate issued by any University or competent educational authorities always have the effect on par with a decree issued by a competent civil court. Besides, it is well settled legal position that even an executing court cannot go behind its decree and this principle will mutatis mutandis undoubtedly apply to the case on hand as well.

24. It must be stressed here that fairness demands that no court can afford to have more than one view on one or the same issue; lest, there will be inconsistency. Consistency and Uniformity are the basic virtues inherent in every court proceedings. The law is meant to protect people from inconsistency bred by any legal confusion and confrontation. When two of the learned single Judges' orders have not been addressed nor over-ruled on the vital point, we are duty bound to iron out the inconsistency to have uniformity and consistency on the issue involved. To uphold the 'one court-one view' principle, in turn, to restore the consistency and uniformity, we hereby hold that the view taken in Geetha's case is incorrect, therefore, it is over-ruled.

25. In view of the above settled position and for the foregoing reasons, we hold that the equivalence certificate issued by the committee constituted by the Government declaring that the degrees obtained from one University is equivalent to the degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right from the date of issuance, therefore, with due respect to the Hon'ble Division Bench, the view taken in N.Geetha's case is incorrect. Accordingly, the reference is answered. " and applying the same, this Court holds that the Writ Appeals preferred by the Appellants are devoid of merits. Consequently, the Writ Appeals fail. 8 9. In the result, the Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed."

6. The case of the Petitioner is also identical in nature and in line with the decisions of the Division Bench of this court cited supra. Therefore, it is clear that from the date the degree was obtained by the candidate, the right is accrued. Accordingly, this Writ Petition stands allowed. However, with regard to other criteria, it is for the Petitioner to comply with. No costs. Consequently, the connected MP is closed.

Srcm

-s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

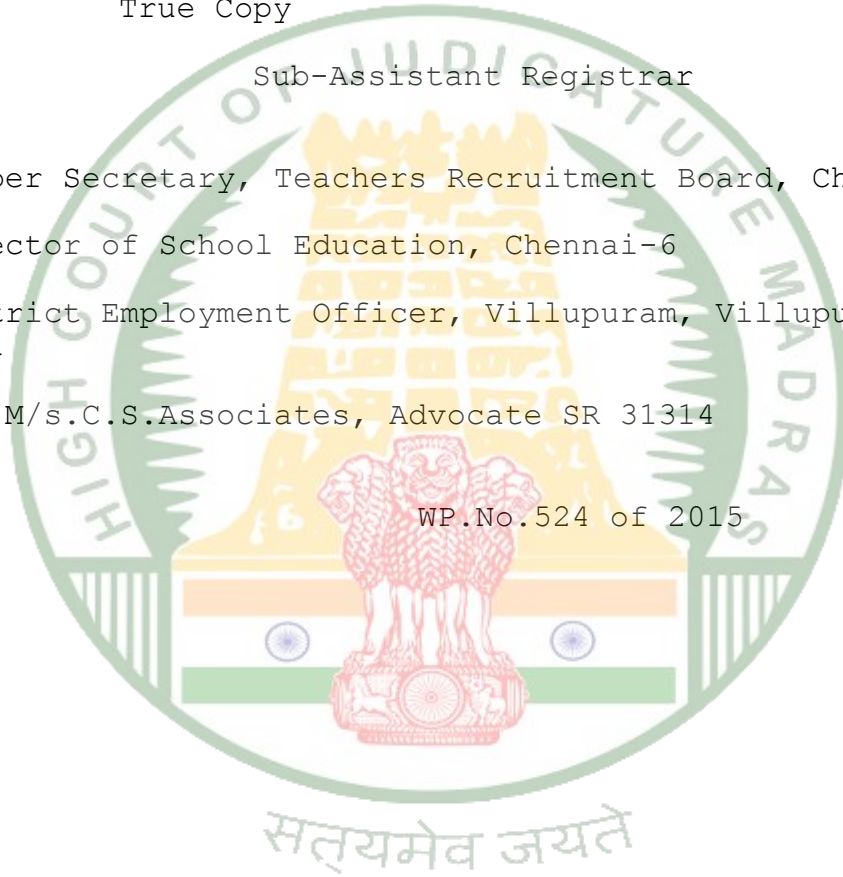
To:

- 1.The Member Secretary, Teachers Recruitment Board, Chennai-6
- 2.The Director of School Education, Chennai-6
- 3.The District Employment Officer, Villupuram, Villupuram District

+ 1 cc to M/s.C.S.Associates, Advocate SR 31314

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