

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.3.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal Nos.301 and 302 of 2016
and
CMP.Nos.4784 & 4785 of 2016

R.Arumugam Appellant in both the WAs

Vs

1. The Principal Secretary to Government,
Department of Higher Education,
Secretariat, Chennai-9.
2. The Secretary,
Tamilnadu Public Service Commission,
Chennai-3.
3. The Secretary,
Teachers Recruitment Board,
College Road, Chennai-6.
4. The Registrar, University of Madras,
Chepauk, Chennai-5.
5. The Registrar, Periyar University,
Salem-11.

सत्यमेव जयते... Respondents 1 to 5
in both the WAs

6.K.Ragu ... Respondent-6 in WA.No.301/2016

APPEALS under Clause 15 of the Letters Patent against the common order dated 6.1.2016 made in W.P.Nos.9378 and 17017 of 2015.

W.P.No.17017 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in G.O. (Ms) No.73 dated 20.4.2015 in so far as Clause 6 which not granting equivalence to M.A. Political

Science awarded by University of Madras to M.A. Human Rights and quash the same consequently direct the 2nd respondent to treat Political Science of University of Madras as equivalent to Human Rights.

W.P.No.9378 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the Second Respondent to consider and appoint the petitioner as Assistant Professor in Human Rights and Duties Education in the SC(A) category.

For Appellant : Mr.Neelakandan
in both the WAS for Mr.P.Durairaju

For Respondents 1 and 3 : Mr.R.Ravichandran,
in both the WAS Additional Government Pleader

For Respondent-6 in : Mr.V.Govardhanan
WA.No.301/2016

COMMON JUDGMENT

(JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN,J)

These writ appeals arise out of a common order passed by the learned Single Judge dismissing two writ petitions filed by the appellant for appointment to the post of Assistant Professor in Human Rights and Duties Education.

2. Heard Mr.Neelakandan, learned counsel for the appellant. Mr.R. Ravichandran, learned Additional Government Pleader takes notice for respondents 1 and 3. Mr.V.Govardhanan, learned counsel takes notice for the sixth respondent in the first writ appeal.

3. The appellant admittedly holds a post graduate degree in Political Science. When the University of Madras invited applications for appointment to the post of Assistant Professor in Human Rights and Duties Education, the appellant applied. On the basis of a Government Order passed in tune with the recommendations of the Equivalence Committee, the University rejected the application of the appellant holding that the post graduate degree possessed by him was not equivalent to the qualifications required for appointment to the post.

4. Challenging the Government Order and also seeking a Mandamus to consider him for appointment to the post of Assistant Professor, the appellant filed two writ petitions,

both of which were dismissed by the learned Judge by a common order dated 6.1.2016. It is against the said order that the appellant is before us.

5. Based upon the orders passed by the Registrar of the University of Madras and based upon the reports of the Chairman of the Board of Studies of Different Universities, it is contended by the learned counsel for the appellant that the Government Order impugned in one of the writ petitions is wholly illegal.

6. But, we do not agree. As against the recommendations of the Equivalence Committee constituted by the Government, the certificate issued by the Registrar of the University is of no value. Moreover, the certificate is seen to have been issued by a person holding in-charge of the post of Registrar. Therefore, we do not wish to give any credence to the certificate issued by the Registrar-In Charge to hold the recommendations of the Equivalence Committee as not correct. The Government Order impugned in one of the writ petitions is based upon the report of the Equivalence Committee, which cannot be annulled on the basis of the letter of the Registrar - In Charge.

7. The reliance placed upon the reports of the Chairman of the Board of Studies of Different Universities, is also of no consequence. The syllabi of various courses in different universities differ. Therefore, merely because one university holds one degree as equivalent to another, the same principle cannot be extended to other universities.

8. The scope of judicial review under Article 226, over the recommendations of the Equivalence Committees especially in respect of higher education, is very limited. The learned Judge was right in refusing to exercise such a jurisdiction. The common order does not call for any interference.

9. Accordingly, the writ appeals are dismissed. No costs. Consequently, the above CMPs are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

RS

To

- 1.The Principal Secretary to Government,
Department of Higher Education,
Secretariat, Chennai-9.
- 2.The Secretary,
Tamilnadu Public Service Commission,
Chennai-3.
- 3.The Secretary,
Teachers Recruitment Board,
College Road, Chennai-6.
- 4.The Registrar,
University of Madras,
Chepauk, Chennai-5.
- 5.The Registrar,
Periyar University,
Salem-11.

+1cc to Mr.N.G.R.Prasad, Advocate, S.R.No.18251
+1cc to Mr.P.Durairaj, Advocate, S.R.No.18003
+1cc to M/s.Isaac Mohanlal, Advocate, S.R.No.19087
+1cc to the Government Pleader, S.R.No.18368

WA.Nos.301 & 302 of 2016
&
CMP.Nos.4784 & 4785 of 2016

SAI (CO)
CA(13/04/2016)

सत्यमेव जयते

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