



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.20410 of 2013

and M.P.(MD) Nos.1 and 2 of 2013

Y.Fathima

... Petitioner

Vs.

- 1.The Secretary,
Tamilnadu Public Service Commission,
Chennai.
- 2.The Chairman,
Teachers Recruitment Board,
Chennai - 06.
- 3.The Registrar,
Kamaraj University,
Madurai.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents No.1 and 2 to entertain the petitioner's application in registration No.1608666 and allow the petitioner to participate the appointment of Assistant Professors in Government Arts & Science Colleges, 2012 held by the Respondent No.2 and further direct the Respondents to consider the Petitioner's representation dated 10.12.2013.

For Petitioner :Mr.S.M.A.Jinnah

For 1st Respondent :Mr.K.K.Senthil
Standing Counsel

For 2nd Respondent : Mr.V.Muruganantham
Additional Government Pleader

O R D E R

The prayer in the writ petition is for a Writ of Mandamus, directing the Respondent Nos.1 and 2 to entertain the petitioner's application in registration No.1608666 and to allow the petitioner to participate in the Selection of Assistant Professors in Government Arts & Science Colleges, 2012 held by the Respondent No.2 and further to direct the Respondents to consider the Petitioner's representation dated 10.12.2013, and pass orders.

2.The petitioner applied to the second respondent Teachers Recruitment for the appointment to the post of Assistant Professors in Commerce. Pursuant to the said application submitted to the second respondent, a call letter for verification of documents was received by the petitioner and after having completed the said formalities and after verifying the petitioner's certificates, about the qualification or other aspects, there was no communication to



the petitioner by the second respondent. Therefore, the petitioner filed this writ petition with the aforesaid prayer.

3. Heard both sides.

4. The learned counsel for the petitioner would contend that the degree obtained by the petitioner is M.F.C. (Master of Finance and Control), which is equivalent to M.Com. Degree in all aspects. It is the further contention of the learned counsel for the petitioner that the syllabus of the M.F.C. Course of Madurai Kamaraj University is either equivalent or higher than any Post - Graduate course in commerce awarded by any of the University in the State. If any reason cited as disclosed in the counter affidavit filed by the second respondent that the petitioner case cannot be considered as the M.F.C. Degree was not found to be valid qualification for the purpose of appointment of Assistant Professors in Commerce, the same should have been communicated to the petitioner and if any communication was sent to the petitioner, the petitioner would have challenged the merits of the decision taken by the second respondent.

5. The learned counsel appearing for the first respondent had produced a Government Order in G.O.(Ms.) No.117 Higher Education (K2) Department dated 22.07.2014. By the said Government Order, it was revealed that the Equivalence Committee of the Tamil Nadu Public Service Commission in its 48th Equivalence Committee held on 29.05.2014 decided equivalence of some of the educational qualifications. There are six items in the said G.O., wherein in item No.5 it has been held that Master of Finance Control (M.F.C.) awarded by Madurai Kamaraj University is not equivalent to M.Com. (Finance). In view of the categorical finding given by the equivalence committee, which is empowered to make recommendations regarding equivalence of degrees and qualifications, the petitioner's qualification of M.F.C. degree cannot be considered as equivalent degree for M.Com. Therefore, his candidature was not considered for the post of Assistant Professor in Commerce.

6. This Court has considered the rival submissions of respective learned counsel and also perused the materials produced before this court.

7. The basic qualification for the said post of Assistant Professor in Commerce is Post Graduate degree in Commerce. Even though it was claimed by the petitioner that Master of Financial Control Degree awarded by the Madurai Kamaraj University is equivalent to M.Com. degree or any other equivalent post graduate degree in commerce, the same has been specifically declared to be not equivalent by the Equivalence Committee as reflected in G.O. (Ms.) No.117 Higher Education (K2) Department dated 22.07.2014, hence, this Court has no hesitation in holding that the petitioner had no specific requisite minimum qualification for consideration to the said post of Assistant Professor in Commerce.



8. The learned counsel for the petitioner would contend that had the communication been made to the petitioner or had he been put on notice that his degree in Post-Graduate cannot be treated as equivalent as required for the said post, the petitioner would have worked out his remedy available in the manner known to law.

9. In this regard, the procedures being followed by the Service Commission in that only the selected candidates will be communicated and non-selected will not be communicated independently. In the counter affidavit filed by the second respondent, it has been averred that the degree obtained by the petitioner is not equivalent to M.Com degree and also the G.O. referred to above, reiterate the same has been passed in the year 2014 and the same is well in force. However, the learned counsel for the petitioner seeks liberty to challenge G.O.(Ms.) No.117 Higher Education (K2) Department dated 22.07.2014. That right is available to every citizen who is aggrieved including the petitioner. The same need not be reiterated by this Court.

10. In view of the above said position, the non-consideration of petitioner's candidature by the second respondent cannot be found fault with and therefore, the writ petitioner since has not made out a case for consideration of his candidature for the appointment to the said post, the writ petition deserves to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Tamilnadu Public Service Commission,
Chennai.

2. The Chairman,
Teachers Recruitment Board,
Chennai - 06.

3. The Registrar,
Kamaraj University, Madurai.

+1cc to M/S Special Government Pleader, Sr No. 79798

W.P. (MD) No. 20410 of 2013
and M.P. (MD) Nos. 1 and 2 of 2013

sj