

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2017

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.25660 of 2013
and
MP.Nos.1 and 2 of 2013

G.Selvan

... Petitioner

Vs

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

2.Teachers Recruitment Board,
Rep.by its Chairman,
College Road,
Chennai - 600 006.

3.Director of Collegiate Education,
College Road,
Chennai - 600 006.

4.Tamil Nadu Public Service Commission,
Rep.by its Chairman,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in passing of the G.O.Ms.No.72 dated 30.4.2013 and thereby quash the entry at Sl.No.15 under Resolution No.3 at Page 4 holding that M.Sc., Applied Physics (Computer Electronics - M.Sc. Applied) is not equivalent and consequently direct the respondents to make M.Sc., Applied Physics as equivalent

For Petitioner : Mr.S.R.Rajagopal

For Respondents: Mr.R.Vijayakumar

Additional Government Pleader
for R1 to R3

Ms.C.N.G.Niraimathi, for R4

O R D E R

The relief sought for in this writ petition is for a direction to call for the records in pursuant to the orders passed by the first respondent in G.O.Ms.No.72, dated 30.4.2013 and quash the entry at Sl.No.15 under Resolution No.3 at Page 4 holding that M.Sc., Applied Physics (Computer Electronics - M.Sc. Applied) is not equivalent and consequently direct the respondents to make M.Sc., Applied Physics as equivalent and pass orders.

2. It is relevant to quote Rule 19 of the Tamil Nadu State and Subordinate Service Rules. The above said Rule deals with special qualification and the same is extracted here under :

"No person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof unless he -

(a) possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the Special Rules; or

(b) possesses such other qualifications as have been declared to be higher than or equivalent to the said special qualifications or special tests -

(i) by the State Government in consultation with the Committee constituted under the Chairmanship of the Chairman, Tamil Nadu Public Service Commission for the purpose, in cases where the appointment has to be made in consultation with the Commission; and

(ii) by the State Government or by the appointing authority with the approval of the State Government in other cases."

3. The Rules cited supra enumerates that the power of declaring the equivalence vest with the Government and the recommendations in this regard a committee was constituted by the State Government under the Chairmanship of the Chairman, Tamil Nadu Public Service Commission, is to be considered. Thus, the Rules make it clear that a committee should be constituted to decide the academic factors and other aspects of the matter and based on the recommendations, the Government has to pass orders in this regard and granting equivalence in respect of the degrees granted by various Universities.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the letter issued by the Higher Education(K2) Department in Letter No.17273/K2/2013-1, dated 27.9.2013, stating that the Tamil Nadu State Council for Higher Education in the meeting passed a resolution that the M.Sc., Applied Physics (Computer Electronics) is not equivalent to M.Sc., Physics, based on

the meeting held on 17.12.2012 under the Chairperson of Board of studies in Physics (UG and PG) of all Universities of Tamil Nadu. When the Government issued specific orders stating that the M.Sc., Applied Physics (Computer Electronics) is not equivalent to M.Sc., (Physics), now, it cannot be questioned by the petitioner and it is for the State to grant equivalence by considering various academic programmes prevailing in various Universities. The decision was taken by considering the academic factors and by the competent committee constituted for the purpose of recommending the equivalence.

5.The learned counsel appearing for the fourth respondent states that the committee constituted for this purpose under Rules 19 of the Tamil Nadu State and Subordinate Service Rules, will analyse various academic aspects and other syllabus prescribed for particular courses and submit their recommendations. It is for the State to accept the recommendations by considering the report of the committee independently.

6. In the case on hand the Government issued orders in this regard stating that the M.Sc., Applied Physics (Computer Electronics) is not equivalent to M.Sc., Physics. This being the decision taken by the State the question of considering the claim of the writ petitioner will not arise at all and the relief as such sought for deserves no further consideration.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

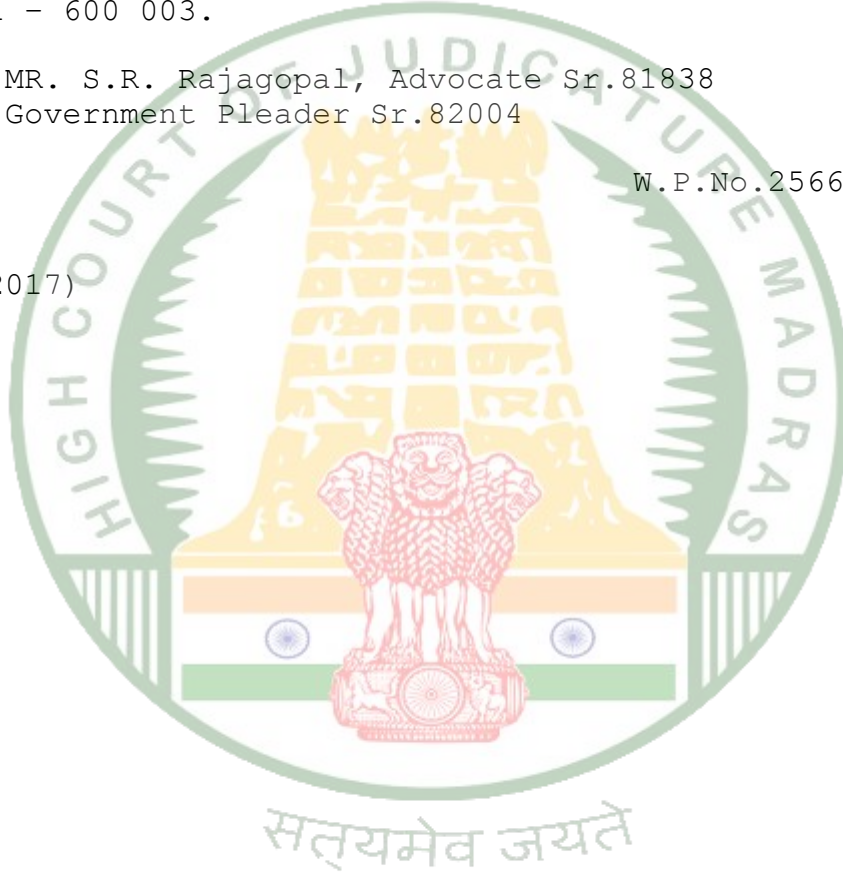
3. Director of Collegiate Education,
College Road,
Chennai - 600 006.

4. The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

+ 1 cc to MR. S.R. Rajagopal, Advocate Sr.81838
+ 1 cc to Government Pleader Sr.82004

W.P.No.25660 of 2013

AR-CCC
EU(07/12/2017)



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