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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P(MD)No.3728 of 2013

and

M.P(MD)Nos.2 and 3 of 2013

R.Mariammal

... Petitioner

Vs.

1.The Registrar,
Gandhigram Rural Institute-Deemed
University, Gandhigram-624 302,
Dindigul District.

2.The Programme Co-Ordinator,
Krishi Vigyan Kendra,
Gandhigram Rural Institute,
Gandhigram, Dindigul District.

3.M.Shahintaj

... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to SPARC/KVK/2012-2013/29 dated 19.04.2012 passed by the first respondent and quash the same as illegal thereby directing the respondents one and two to make the appointment by promotion to the post of Subject matter Specialist in the first respondent University as per the guideline of ICAR and letter issued by the zonal Director to the 2nd respondent vide No.F.No. 1-3(4)/ZPD/2009-2010 dated 29.02.2012 within a time frame fixed by this Court.

(*)For Petitioner

**: Mr.K.Chellapandian,
Senior Counsel**

for Mr.F.X.Eugene

For 1st Respondent

: Mrs.S.Srimathy

for Mr.MA.P.Thangavel

For 2nd Respondent

: No Appearance

For 3rd Respondent

: Mr.PT.S.Narendravasan

ORDER

The petitioner challenges the promotion of the third respondent as Subject Matter Specialist in the first respondent university on the ground that the third respondent is not qualified for being appointed as the Subject Matter Specialist. The qualification for the post of Subject Matter Specialist has been prescribed by the Indian Council of Agricultural Research is "A master's degree in the relevant field or equivalent qualifications from a recognized university".



2.The petitioner had completed her Masters Degree during the academic year 1987 by the Madurai Kamaraj University. The third respondent would claim that she had obtained Post Graduate Degree in Natural Resources-Plant Health and Protection from the University of Greenwich, United kingdom on 14.09.2001.

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3.The petitioner would contend that the said Post Graduate Degree awarded by the University of Greenwich cannot be considered to be an equivalent to the Master of Science Degree because the course duration of that course is only one year and not two years.

4.It is not in dispute that the third respondent undergone the Post Graduate Degree at Greenwich University, United kingdom for a period of one year. The question to be considered is as to whether this Post Graduate Degree with lesser period of course which is equivalent and awarded by the Indian Universities which is for a period of two years.

5.Mr.K.Chellapandian, learned Senior Counsel appearing for the **(*)Petitioner** would submit that this degree cannot be considered to be equivalent to the Post Graduate Degree issued by the Indian Universities having a course period of two years or 4 academic session.

6.It is not in dispute that the third respondent has obtained Post Graduate Degree from the Greenwich University, United kingdom after undergoing the course only for a period of one year.

7.The respondent 1 and 2 have filed a counter affidavit wherein it has been stated that the Post Graduate Degree awarded by the Greenwich University was treated as equivalent to the Post Graduate Degree contemplated under service rules.

8.Mr.PT.S.Narendravasan, learned counsel appearing for the third respondent has filed policies and procedures for equivalence of qualification or degree issued by the Association of Indian Universities.

9.The said guidelines make it clear that the duration of the programme of study is at least the same as prescribed in India. Further, the degrees awarded in lesser duration in terms of years of studies than applicable in case of Indian universities even though the student may have completed all the credits specified by the university and/or the semesters as applicable in case of Indian universities.

<https://hcservices.ecourts.gov.in/hcservices/> is not the case of, the third respondent that she had obtained certain credits some other university and those credits have been transferred and accepted by the University of Greenwich which awarded the Post Graduate Degree. It is also to be noted that the third respondent has not undergone four



semesters or trimesters so that the Post Graduate Degree awarded by the Greenwich university could be considered as equivalent to the Post Graduate Degree by any recognised University in India.

11. It is further claimed in the counter affidavit that since the third respondent was admitted for Ph.D., it was taken as if the M.Sc., Degree obtained from Greenwich University was treated as equivalent. It is further stated that the M.Sc., degree possessed by the third respondent was treated as equivalent and since none of the selection committee members objected to the same.

12. Learned counsel for the petitioner has produced letters from various organisations including the Association of Indian Universities stating that the Post Graduate obtained by the third respondent is not equivalent to the duration of programme of study by the Association of Indian Universities. If the Post Graduate Degree obtained by the third respondent is not considered to be equivalent to the Post Graduate Degree granted by any of the Indian Universities, then the appointment of the third respondent to the post of Subject Matter Specialist cannot stand.

13. In such view of the matter, the Writ Petition is allowed. Rule nisi is made absolute. The promotion of the third respondent as a Subject Matter Specialist is quashed and there will be a direction to the respondents 1 and 2 to make appointment to the post of Subject Matter Specialist in the first respondent University as per the guidelines issued by the Indian Council of Agricultural Research and as per order of the zonal Director in his letter dated 29.02.2012 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD) Nos.2 and 3 of 2013 are closed.

Sd/-
Assistant Registrar(RTI)

**(*) AMENDED AS PER ORDER OF THIS
HON'BLE COURT DATED 14/06/2017**
/True Copy/

Sub Assistant Registrar

(*) TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 09/06/2017

+1cc to M/s. F.X.EUGENE Advocate in SR. No.54463
+1cc to M/s. PT.S.NARENDRAVASAN Advocate in SR. No.54013
+1cc to M/s. S.SRIMATHY Advocate in SR. No.54498
RMI/VSG
JS/MR/SAR.1/9.6.2017/3P-4C

RL/4C/3P/JC/SAR3/21/6/2017

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