

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order Reserved : on 22.02.2018

Order Delivered : on 13.06.2018

Coram:-

The Honourable Mr. Justice T.Raja

Writ Petition Nos.28040, 28041, 18835, 23673, 27072,
27391 and 23330 of 2017

M. Chellakrishnavi ... Petitioner in
W.P.No.28040, 28041/17

1 R.DYSON
S/O.E.RAMAKRISHNAN NO.16 AMMAN KOVIL
STREET THALANGKUPPAM ENNORE
CHENNAI-600 057 ... PETITIONER in WP No.18835 of 2017

1 K.P.SRINIVASAPERUMAL
S/O.K.PALANIVEL NO.4/4 CHETTY STREET
PANAMARATHUPATTY SALEM- 636 204
... PETITIONER in WP No.23673 of 2017

1 R.ARIVARASU
S/O.B.RAJAGOPAL 55 DHARMAPURI MAIN ROAD
BOMMIDI DHARMAPURI DISTRICT 635 301
... PETITIONER in WP No.27072 of 2017

1 C.MOGANA PRIYA
W/O.K.R.RAJAGOPAL NO.50 ANGAPPA STREET K.
S.PALAYAM PERUNDURAI ERODE 638 052
... PETITIONER in WP No.27391 of 2017

1 A.AVENASH
S/O.S.ATHAVAN NO.522-B RAILWAY COLONY
ERODE-638 002. PETITIONER in WP No.23330 of 2017

Vs.

1 TEACHERS RECRUITMENT BOARD
REP. BY ITS MEMBER SECRETARY 4TH FLOOR EVK
SAMPATH MAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI 600 006

2 DIRECTOR OF TECHNICAL
EDUCATION GUINDY CHENNAI 600 025

- 3 ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION REP. BY MEMBER
SECRETARY NELSON MANDALA MARG VASANTHKUNJ
NEW DELHI 110 067
- 4 EQUIVALANCE COMMITTEE
TAMILNADU STATE HIGHER EDUCATION COUNCIL
REP. BY ITS VICE CHAIRMAN LADY WELLINGTON
COLLEGE CAMPUS KAMARAJAR SALAI TRIPLICANE
CHENNAI 600 005 ... RESPONDENT in WP No.28040 of 2017
- 1 TEACHERS RECRUITMENT BOARD
REP. BY ITS MEMBER SECRETARY 4TH FLOOR EVK
SAMPATH MAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI 600 006
- 2 DIRECTOR OF TECHNICAL
EDUCATION GUINDY CHENNAI 600 025
- 3 ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION REP. BY MEMBER
SECRETARY NELSON MANDALA MARG VASANTHKUNJ
NEW DELHI 110 067
- 4 EQUIVALANCE COMMITTEE
TAMILNADU STATE HIGHER EDUCATION COUNCIL
REP. BY ITS VICE CHAIRMAN LADY WELLINGTON
COLLEGE CAMPUS KAMARAJAR SALAI TRIPLICANE
CHENNAI 600 005 ... RESPONDENT in WP No.28041 of 2017
- 1 TEACHERS RECRUITMENT BOARD
REP BY MEMBER SECRETARY 4TH FLOOR EVK
SAMPATH MAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI-600 006
- 2 DIRECTOR OF TECHNICAL
EDUCATION GUINDY CHENNAI-600 025
... RESPONDENT in WP No.18835 of 2017
- 1 THE STATE OF TAMIL NADU
REP BY ITS SECRETARY HIGHER EDUCATION (J1)
DEPARTMENT FORT ST GEORGE CHENNAI-09
- 2 TEACHERS RECRUITMENT BOARD
REP BY ITS MEMBER SECRETARY 4TH FLOOR EVK
SAMPATH MAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI-06

3 THE DIRECTOR OF TECHNICAL
EDUCATION NO.53 SARDAR PATEL ROAD GUINDY
CHENNAI-25

4 ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION REP BY MEMBER SECRETARY
NELSON MANDALA MARG VASANTH KUNJ NEW
DELHI-110 067

... RESPONDENT in WP No.23673 of 2017

1 TEACHERS RECRUITMENT BOARD
REP. BY ITS MEMBER SECRETARY 4TH FLOOR EVK
SAMPATH MAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI -6

2 DIRECTOR OF TECHNICAL
EDUCATION GUINDY CHENNAI 600 025

3 ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION REP. BY ITS MEMBER
SECRETARY NELSON MANDELA MARG VASANT KUNJ
NEW DELHI 110 067

4 EQUIVALANCE COMMITTEE
TAMILNADU STATE HIGHER EDUCATION COUNCIL
REP. BY ITS VICE CHAIRMAN LADY WELLINGTON
COLLEGE CAMPUS KAMARAJAR SALAI TRIPLICANE
CHENNAI 600 005

... RESPONDENT in WP No.27072 of 2017

1 THE STATE OF TAMIL NADU
REP.BY SECRETARY TO GOVT. HIGHER EDUCATION
(J1) DEPARTMENT FORT ST. GEORGE CHENNAI -
600 009.

2 TEACHERS RECRUITMENT BOARD
REP.BY ITS MEMBER SECRETARY 4TH FLR EVK
SAMPATHMAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI-600 006.

3 THE DIRECTOR OF TECHNICAL
EDUCATION 53 SARDAR PATEL ROAD GUINDY
CHENNAI - 600 025.

4 ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION REP.BY MEMBER
SECRETARY NELSON MANDALA MARG VASANTH KUNJ
NEW DELHI - 110 067.

5 EQUIVALANCE COMMITTEE
TAMIL NADU STATE HIGHER EDUCATION COUNCIL
REP.BY ITS VICE CHAIRMAN LADY WELLINGTON
COLLEGE CAMPUS KAMARAJAR SALAI TRIPPLICANE
CH-05.

... RESPONDENT in WP No.27391 of 2017

1 THE STATE OF TAMIL NADU
REP.BY SECRETARY TO GOVT. HIGHER EDUCATION
(J1) DEPARTMENT FORT ST. GEORGE CHENNAI -
600 009.

2 TEACHERS RECRUITMENT BOARD
REP.BY ITS MEMBER SECRETARY 4TH FLR EVK
SAMPATHMAALIGAI DPI COMPOUND COLLEGE ROAD
CHENNAI-600 006.

3 THE DIRECTOR OF TECHNICAL
EDUCATION 53 SARDAR PATEL ROAD GUINDY
CHENNAI - 600 025.

4 ALL INDIA COUNCIL FOR
TECHNICAL EDUCATION REP.BY MEMBER
SECRETARY NELSON MANDALA MARG VASANTHKUNJ
NEW DELHI - 110 067.

5 EQUIVALANCE COMMITTEE
TAMIL NADU STATE HIGHER EDUCATION COUNCIL
REP.BY ITS VICE CHAIRMAN LADY WELLINGTON
COLLEGE CAMPUS KAMARAJAR SALAI TRIPPLICANE
CH-05.

... RESPONDENT in WP No.23330 of 2017

W.P.28040/2017:

Writ Petition filed under Article 226 of the constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to award additional 3 marks to the petitioner for possessing M.Tech in Remote Sensing at the time of certificate verification by the 1st respondent based on the application submitted by the petitioner pursuant to Notification No.06/2017 dated 28.7.2017 without insisting on equivalence G.O. that the subject Remote Sensing is equal to Electronics and communication Engineering for the post of Lecturer in Electronics and Communication Engineering in Government Polytechnic Colleges based on the All India council for Technical Education norms published in the gazette dated 28.4.2017.

WP No.28041 of 2017:

Petition seeking writ of Mandamus directing the 1st respondent to consider the petitioner for the post of Assistant Professor in Electronics and Communication Engineering in any one of the Government Engineering Colleges as and when the petitioner applies for the said Post based on the All India Council for Technical Education norms published in the gazette dated 28.4.2017 without insisting on equivalence G.O. that Remote Sensing is equal to Electronics and Communication Engineering and M.Tech as required under advertisement No.6/2017 dated 28.7.2017

WP No.18835 of 2017

Writ Petition seeking Writ of Certiorarified Mandamus calling for the records of the Teachers Recruitment Board in relation to certificate verification results for Direct Recruitment of Assistant Professor in Government Engineering Colleges for the year 2013-14 and 2014-15 pertaining to the petitioner having roll number 14E04010185 with the remark PG is not related to ECE and quash the same and consequently direct Teachers Recruitment Board to treat the Petitioner with B.E in ECE and M.E in Instrumentation Engineering as eligible for the post of Assistant Professor in Electronics and Communication Engineering in Government Engineering College based on the All India Council for Technical Education norms published in the gazette dated 28.04.2017 and issue appointment order to the petitioner.

WP No.23673 of 2017:

Writ Petition seeking Writ of Mandamus forbearing the 2nd Respondent from insisting on production of government order of the 1st Respondent holding that B.E. in Automobile Engineering is equivalent to B.E. Mechanical Engineering at the time of conducting certificate verification of the petitioner based on the application submitted by the petitioner pursuant to the Advt. No.06/ 2017 dated 28.07.2017 issued by the 2nd Respondent for the post of Lecturer in Mechanical Engineering and consequently direct the 2nd Respondent to treat B.E. in Automobile Engineering as Equivalent to B.E. Mechanical Engineering as per All India Council for Technical Education (AICTE) Norms for the post of Lecturer in Mechanical Engineering

WP No.27072 of 2017:

Petition seeking Writ of Declaration declaring that B.E. in ECE and M.E. in Instrumentation Engineering as eligible for the Post of Lecturer in Electronics and Communication Engineering in Government Polytechnic Colleges based on the All India Council for Technical Education norms published in the gazette dated 28.4.2017 and consequently direct the 1st respondent to consider the petitioner for the post of Lecturer in Electronics and communication Engineering in any one of the Government

Polytechnic Colleges as and when counselling is held by the 1st respondent based on the applications received pursuant to Notification No.06/2017 dated 28.7.2017 without insisting on equivalence G.O. that Instrumentation Engineering is equal to Electronics and..

WP No.27391 of 2017:

Petition seeking Writ of Certiorarified Mandamus calling for the records of the 1st respondent in G.O.(Ms)No.217(Higher Education (J1) Department) dated 24.07.2015 and quash the same as contrary to All India Council for Technical Education Norms in so far as it holds that B.E. Mechatronics Engineering is not equivalent to B.E. Mechanical Engineering and direct the 2nd respondent not to insist on an equivalence GO of the 1st respondent holding that B.E. Mechatronics Engineering awarded by Anna University is equivalent to B.E. Mechanical Engineering at the time of conducting certificate verification of the petitioner based on the application submitted by the petitioner pursuant to the Notification No.06/2017 dated 28.07.2017 issued by the 2nd respondent..

WP No.23330 of 2017:

Petition seeking Writ of Certiorarified Mandamus calling for the records of the 1st respondent in G.O.(Ms)No.217(Higher Education (J1) Department) dated 24.07.2015 and quash the same in so far as it is contrary to AICTE Norms and direct the 2nd respondent not to insist on an equivalence GO (Ms) No.217 dated 22.07.2015 of the 1st respondent at the time of conducting certificate verification of the petitioner based on the application submitted by the petitioner pursuant to the Notification No.06/2017 dated 28.07.2017 issued by the 2nd respondent for the post of Lecturer in Mechanical Engineering.

For Petitioners : Mrs.Nalini Chidambaram, SC
for M/s.C.Uma

For Respondents in W.P.No.18835/17
and for R1 & R2 in
W.P.Nos.28040, 28041, 27072/17 and
for R1 to R3 in W.P.Nos.23673, 27391
& 23330 of 2017

: Mrs.Narmadha Sampath, AAG
Asst. by Mrs.P.Rajalakshmi, AGP

For R3 in W.P.Nos.28040, 28041 and
27072/17 and for R4 in W.P.Nos.23673,
27391 & 23330/17 : Mrs.A.L.Ganthimathi

For R4 in W.P.Nos.28040, 28041 &
27072/17 and for R5 in W.P.Nos.27391,
23330 of 2017 : No Appearance

COMMON ORDER

Ms.M.Chellakrishnavi has filed a Writ Petition No.28040 of 2017 seeking for issuance of a writ of mandamus to direct the first respondent / the Member Secretary, Teachers Recruitment Board (TRB), DPI Compound, College Road, Chennai, to award additional 3 marks to her for possessing M.Tech in Remote Sensing at the time of certificate verification by the first respondent based on the application submitted by her pursuant to Notification No.06/2017, dated 28.07.2017, without insisting on equivalence G.O. that the subject Remote Sensing is equal to Electronics and Communication Engineering for the post of Lecturer in Electronics and Communication Engineering in Government Polytechnic Colleges based on the All India Council for Technical Education (AICTE) norms published in the gazette dated 28.04.2017.

2. Ms.M. Chellakrishnavi, has filed one more Writ Petition No.28041 of 2017 seeking for issuance of a writ of mandamus to direct the first respondent / the Member Secretary, Teachers Recruitment Board (TRB), DPI Compound, College Road, Chennai, to consider her for the post of Assistant Professor in Electronics and Communication Engineering in any one of the Government Engineering Colleges as and when she applies for the said post based on the All India Council for Technical Education Norms published in the gazette dated 28.04.2017 without insisting on equivalence G.O. that Remote Sensing is equal to Electronics and Communication Engineering and M.Tech as required under Advertisement No.6/17, dated 28.07.2017.

3. Mr.R.Dyson, has filed a Writ Petition No.18835 of 2017 seeking for issuance of a writ of certiorarified mandamus to call for the records of the Teachers Recruitment Board in relation to Certificate Verification results for Direct Recruitment of Assistant Professor in Government Engineering Colleges for the year 2013-14 and 2014-15 pertaining to the petitioner having roll no.14E04010185 with the remark "PG is not related to ECE" and quash the same and consequently direct the TRB to treat the petitioner with B.E. in ECE and M.E. in Instrumentation Engineering as eligible for the post of Assistant Professor in Electronics and Communication Engineering in Government Engineering College based on the AICTE Norms published in the gazette dated 28.04.2017 and issue appointment order to the petitioner who has obtained top most rank in the written exam conducted by the TRB for the post of Assistant Professor in any one of the Government Engineering Colleges.

4. Mr.K.P.Srinivasaperumal, has filed a Writ Petition No.23673 of 2017, seeking for issuance of a writ of mandamus to forbear the second respondent / the Member Secretary, Teachers Recruitment Board (TRB), DPI Compound, College Road, Chennai, from insisting on production of Government Order of the first respondent holding that B.E. in Automobile Engineering is equivalent to B.E. Mechanical Engineering at the time of conducting certificate verification of the petitioner based on the application submitted by him pursuant to the Advt. No.06/2017, dated 28.07.2017 issued by the second respondent for the post of Lecturer in Mechanical Engineering and consequently direct the second respondent to treat B.E. in Automobile Engineering as equivalent to B.E. in Mechanical Engineering as per the AICTE Norms for the post of Lecturer in Mechanical Engineering.

5. Mr.R.Arivarasu, has filed a Writ Petition No.27072 of 2017 seeking for issuance of a writ of declaration to declare that B.E. in ECE and M.E. in Instrumentation Engineering as eligible for the post of Lecturer in Electronics and Communication Engineering in Government Polytechnic Colleges based on the AICTE Norms published in the Gazette dated 28.04.2017 and consequently direct the first respondent to consider him for the post of Lecturer in Electronics and Communication Engineering in any one of the Government Polytechnic Colleges as and when counselling is held by the first respondent based on the applications received pursuant to Notification No.06/17, dated 28.07.2017 without insisting on equivalence G.O. that Instrumentation Engineering is equal to Electronics and Communication Engineering.

6. Mrs.C.Mogana Priya, has filed a Writ Petition No.27391 of 2017, seeking to quash the order passed by the first respondent / the Secretary to Government, Higher Education (J1) Department, Chennai, in G.O.Ms.No.217, Higher Education (J1) Department, dated 24.07.2015, as contrary to AICTE Norms insofar as it holds that B.E. Mechatronics Engineering is not equivalent to B.E. Mechanical Engineering and direct the second respondent not to insist on an equivalence G.O. of the first respondent holding that B.E. Mechatronics Engineering awarded by Anna University is equivalent to B.E. Mechanical Engineering at the time of conducting certificate verification of the petitioner based on the application submitted by her pursuant to the Notification No.06/2017, dated 28.07.2017, issued by the second respondent for the post of Lecturer in Mechanical Engineering.

7. Mr.A.Avenash, has filed a Writ Petition No.23330 of 2017 to quash the order passed by the first respondent / the Secretary to Government, Higher Education (J1) Department, Chennai, in G.O.Ms.No.217, Higher Education (J1) Department, dated 24.07.2015, insofar as it is contrary to AICTE Norms and direct the second respondent not to insist on an equivalence G.O.Ms.No.217, dated 24.07.2015 of the first respondent at the time of conducting certificate verification of the petitioner based on the application submitted by him pursuant to the Notification No.06/2017, dated 28.07.2017, issued by the second respondent for the post of Lecturer in Mechanical Engineering.

8. Since the facts involved in all these writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.18835 of 2017 filed by one Mr.R.Dyson, are stated below:-

The petitioner underwent B.E. in Electronics and Communication Engineering in Magna College of Engineering, affiliated to Anna University, during the year 2005-2009 and he had passed the said degree in first class. In the year 2010, he had appeared for the TANCET examination conducted by the Anna University and he obtained top rank in the said examination. Thereafter, in the year 2010, as per the guidelines of Anna University, he underwent M.E. Course in Instrumentation Engineering in MIT, Chennai. Whiles, the TRB issued a Notification No.3/2014, which was again reissued on 20.07.2016 due to some litigation. The petitioner applied for the post of Assistant Professor in Government Engineering College, affiliated to Anna University, and wrote the examination. Subsequently, on 06.01.2017, the TRB published the tentative provisional list of candidates eligible for certificate verification, in which, the name of the petitioner was found place at Sl.No.30. Finally, the TRB, vide its proceedings dated 27.04.2017, rejected the name of the petitioner with remarks 'PG is not relating to ECE'. The petitioner was informed that according to TRB, both B.E. and M.E. should be in the same subject of ECE. Since the petitioner has studied M.E. Degree in Instrumentation Engineering, not in ECE, his candidature was rejected as not eligible.

9. Mrs.Nalini Chidambaram, learned Senior counsel appearing for the petitioners submitted that the educational qualifications prescribed in the impugned notification are contrary to the educational qualifications prescribed in the AICTE. It is further stated that the AICTE made the "All India

Council for Teacher Education (Major/Core branch of Engineering / Technology and their relevant/appropriate courses leading to degree in Engineering/Technology), 2017 " for recruitment to teaching positions. The said regulations are applied to the Technical Institutions conducting Technical Education and such other courses/programs and areas notified by the Council from time to time. As per the said Regulation, a person with B.E. (ECE) and M.E. in Instrumentation Engineering is eligible for the faculty of Electronics and Communication Engineering. Therefore, the TRB is bound to follow AICTE Norms, hence, it is contended, the TRB has erred in law in rejecting the candidature of the petitioner on the ground that PG degree is not in the same discipline as UG, therefore, the said approach of the TRB is not only arbitrary but also unsustainable in law.

10. Continuing further, it is stated that the purpose of introducing interdisciplinary in Engineering by AICTE is to provide more career opportunities for students. But, the TRB in an arbitrary manner is not following the AICTE Norms and if the TRB follows the AICTE Norms, it will be beneficial for lakhs of students, who have completed the Engineering as per the AICTE Norms.

11. Learned Senior counsel for the petitioners has also relied upon a judgment passed by this Court in W.P.No.16666 of 2017, dated 05.07.2017, whereby this Court, by setting aside the similar Notification issued by the TRB in Adv. No.04/2017, held that the State Government is estopped from prescribing different educational qualification for appointment to the post of Lecturers in Diploma level Government Polytechnic, other than that of the educational qualification prescribed by the AICTE in its regulations. By citing the said judgment, it is further submitted that the AICTE norms are binding on the State Government and therefore, the State Government cannot insist on an equivalence G.O., especially when no such G.O. is available. Therefore, on this score, it is contended that the proceedings dated 27.04.2017 of the TRB holding that P.G. is not related to ECE is liable to be quashed.

12. It is further submitted that in reply to a RTI query, Anna University, vide its letter dated 16.06.2017, stated that if a candidate has undergone a cross-major or in other words interdisciplinary master degree, he may be considered as faculty in both the disciplines. Therefore, when such being the admitted position, for example, if a person is qualified B.E. (ECE) with M.E. Instrumentation Engineering, then the said person is capable for teaching undergraduate students as per the AICTE guidelines. Hence, it is contended that as per

G.O.Ms.No.178, dated 17.07.2015, a student with B.E. degree in Electronics Communication Engineering is eligible for the post of Lecturer in Electronics Communication Engineering alone. Similarly, a student with B.E. degree in Electrical and Electronics Engineering is eligible for Lecturer in Electrical and Electronics Engineering alone. However, the student with interdisciplinary degree, like Electronic and Instrumentation Engineering is eligible for the post of Lecturer in both Electrical and Electronics Engineering and Electronics Communication Engineering. Therefore, in view of the proceedings dated 27.04.2017 of the TRB stating that a person studied in Instrumentation Engineering in PG is not eligible to be appointed as Assistant Professor in Electronics and Communication Engineering, the very purpose of introducing interdisciplinary degree in Engineering by AICTE has been diluted, therefore, the same is liable to be set aside.

13. Per contra, Mrs.Narmatha Sampath, learned Additional Advocate General appearing for the TRB submitted that the petitioner is one of the candidates who applied for the post of Assistant Professor (Electronics and Communication Engineering) in Engineering Colleges pursuant to the Notification dated 16.07.2014 issued by the TRB. In the written examination, he secured 118 marks and therefore, he was called for certificate verification. At the time of certificate verification, it was noticed that the petitioner was in possession of M.E. (Electronics and Instrumentation Engineering). Since the said subject is not related to the subject he studied in M.E., he was not considered for selection.

14. It is further submitted that as per Clause 4(c) of the Notification dated 28.07.2017 dealing with the equivalent qualification, if a candidate claims that the educational qualification in the subject possessed by him/her is equivalent to, though not the same, as those prescribed for the appointment, he/she has to produce the subject equivalence G.O. issued by the Government of Tamil Nadu at the time of Certificate Verification. Therefore, as per the said Clause, it is clear that a candidate, who is claiming that the subject studied by him/her is equivalent to those qualifications prescribed for the appointment by the Government, has to produce the G.O. issued by the Government to that effect. But, in the present cases, none of the petitioners are in possession of such G.O., for, all those petitioners have studied different subject in M.E. compared to the subject they studied in B.E., therefore, they cannot be considered for appointment, as the Government alone is competent to issue Government Orders in the matter of equivalence of qualifications.

15. Continuing her arguments, learned Additional Advocate General further stated that the petitioners have not challenged the Notification at an early stage and as an afterthought, they have filed these writ petitions challenging to quash the said Notification at this length of time, for, the Board issued the Notification as early as on 16.06.2017 and after conducting the written examination on 16.09.2017, the TRB has also published the result on 07.11.2017. Besides, pursuant to the Notification, 1,33,567 candidates have appeared for the written examination for the post of Lecturer in Government Polytechnic Colleges, therefore, if the claim of the petitioners is accepted at this length of time, it would severely affect the prospects of above candidates and ultimately, it would affect the educational interest of students studying in Government Colleges. Hence, it is pleaded, the claim of the petitioners to consider their claim for selection at this length of time cannot be entertained.

16. Heard the learned counsel appearing on either side and perused the materials available on record.

17. Initially, the TRB issued a Notification No.4/2017, dated 16.06.2017, inviting applications from the eligible candidates for the post of Lecturers (Engineering and Non-Engineering) in Government Polytechnic Colleges for the year 2017-18 by direct recruitment. The said Notification was challenged before this Court in a Writ Petition No.16666 of 2017, whereby, this Court, in its order dated 05.07.2017, while considering the question raised by the petitioner therein that whether the qualification prescribed by the AICTE has to be followed or the qualification prescribed in the impugned Notification therein has to be followed, held that since the State Government have accepted and adopted the regulations issued by the AICTE, the State Government have no option except to follow the same in strict adherence. In other words, the State Government is estopped from prescribing different educational qualification for appointment to the post of Lecturers in Diploma level Government Polytechnic, other than that of the educational qualification prescribed by the AICTE in its regulations. By holding so, this Court has set aside the said Notification and thereby directed the TRB to issue a fresh Notification incorporating the educational qualification prescribed under the Pay Scales, Service Conditions and qualifications for the Teachers and other academic staff in Technical Institutions (Diploma) Regulations, 2010. For better appreciation, relevant portion of the said judgment passed by this Court is extracted below:-

"21. More so, the pleadings were completed and all the parties in the writ petition are present and submitted their arguments and the learned Additional Advocate General also submitted his valuable points on behalf of the Government. Now, the core point to be decided is that whether the notification impugned in this writ petition dated 16.06.2017 is to be proceeded with or not. The factum of this case, that it is not only the case of violation of the standard of qualification prescribed by the AICTE, but it is the case where the State Government has accepted and adopted the regulations issued by the AICTE. After accepting the educational qualifications fixed by the AICTE, the State Government has no option except to follow the same in strict adherence. In other words, the State Government is estopped from prescribing different educational qualification for appointment to the post of Lecturers in Diploma level Government Polytechnic, other than that of the educational qualification prescribed by the AICTE in its regulations. Such being the view of this Court, the notification deserves to be cancelled and a fresh exercise ought to have been undertaken by notifying the qualifications as prescribed by AICTE and as accepted by the State Government vide its G.O.(Ms) No.111, Higher Education (C2) Department, dated 25.05.2010. Accordingly, this Court is inclined to consider the merits in this writ petition and the notification issued by the respondents on 16.06.2017 is quashed and the respondents are directed to issue a fresh notification incorporating the educational qualifications prescribed under the Pay Scales, Service Conditions and qualifications for the Teachers and other academic staff in Technical Institutions (Diploma) Regulations 2010, within a period of two weeks from the date of receipt of copy of this order. The candidates applied pursuant to the notification dated 16.06.2017 need not submit their applications once again and the application already received shall be considered.

Accordingly, this writ petition stands allowed. However, there is no order as to costs. Consequently, connected M.P.s are closed."

18. Pursuant to the above said direction of this Court, the TRB also issued another Notification No.06/2017, dated 28.07.2017, inviting applications from the eligible candidates for the post of Lecturers (Engineering and Non-Engineering) in Government Polytechnic Colleges for the year 2017-18 by direct recruitment. Clause 4 of the said Notification stipulates the qualification, which reads as under:-

4. Qualifications:

a) Age Limit: Candidates should not be over 57 years as on 1-7.2017 as the age of superannuation is 58 years.

b) Educational Qualifications:

Candidates should possess the following qualification on the date of notification:

1. Lecturer in Engineering subjects: A Bachelor's degree in the appropriate branch of Engineering / Technology / Architecture with not less than sixty percent of marks or equivalent:

Provided that if the candidate has a Master's Degree in the appropriate branch of Engineering / Technology / Architecture, the candidate should possess a first class or equivalent in the appropriate branch either at Bachelor's or Master's degree level. (As per Tamilnadu Government Gazette Extraordinary No.218, dated July 8, 2017)

2. Lecturer in non-Engineering subjects: A first class Master's degree in the appropriate branch of study .

--> Candidates should possess the requisite qualification in relevant subject awarded by an University or Institutions recognized by University Grants Commission.

--> As per the G.O.No.242 Higher Edn. (P1) Dept., dated 18.12.2012 for engineering subjects, the candidates should qualify 10+2+4 / 10+3+3 pattern for engineering subject and 10+2+3+2 / 10+3+3+2 / 11+2+3+2 pattern for non-engineering subject.

The candidates should apply only for the vacancies notified and subject specified. The candidates applying for the posts mentioned in Annexure-I should have passed Tamil Language as Part 1 or Part II up to SSLC or

PUC/Higher Secondary Course levels. If not, he/she should pass Tamil Language Test conducted by the Tamilnadu Public Service Commission within two years from the date of his/her appointment.

The candidates not having prescribed qualifications, as on the last date of submission of filled-in online application, shall not be eligible to apply for the examination. The candidates should satisfy themselves about their eligibility before applying. It is to be noted that if a candidate is allowed to appear for the examination it does not imply that the eligibility of the candidate is verified. The eligibility shall be verified by the Board only at the time of Certificate Verification".

19. The sole contention of the learned Senior counsel appearing for the writ petitioners is that the educational qualifications prescribed in the present impugned Notification are contrary to the educational qualification prescribed by the AICTE. At this juncture, now, let me look at the educational qualifications of the petitioners, which are stated below:-

Writ Petition No.	Name of the petitioner	Major subject in B.E.	Major Subject in M.E.
W.P.Nos.28040 & 28041 of 17	M.Chellakrishna vi	Electronics and Communication Engineering	Remote Sensing
W.P.No.18835 of 2017	R.Dyson	Electronics and Communication Engineering	Instrumentation Engineering
W.P.No.23673	K.P.Srinivasapuram	Automobile Engineering	Computer Aided Design
W.P.No.27072	R.Arivarasu	Electronics and Communication Engineering	Instrumentation Engineering
W.P.No.27391 of 2017	C.Mogana Priya	Mechatronics	Engineering Design
W.P.No.23330 of 2017	A.Avenash	Mechatronics	Engineering Design

From the above said tabular column, it is clear that all these petitioners have opted for different subject while studying M.E. Degree, therefore, according to them, the subject in which they

studied in M.E. is equivalent to that of the subject they studied in B.E as per the educational qualifications fixed by the AICTE.

20. In this context, let me compare the qualifications of the petitioners with that of the qualifications fixed by the AICTE. The petitioners, namely, Mr.R.Dyson, Mr.R.Arivarasu and Ms.Chellakrishnavi, in W.P.Nos.18835, 27072 and 28040 of 2017 respectively, have obtained B.E. in Electronics and Communication Engineering, whereas Mr.R.Dyson and Mr.R.Arivarasu have obtained M.E. in Instrumentation Engineering and that Ms.Chellakrishnavi has obtained M.Tech in Remote Sensing. The relevant PG qualifications fixed by the AICTE for UG degree in Electronics and Communication Engineering are stated below:-

Major Discipline of Engineering / Technology	Corresponding Course(s) of Engineering / Technology	Relevant/appropriate nomenclature of UG degree in Engineering/Technology	Relevant/Appropriate nomenclature of PG degree in Engineering/Technology
Electronics Engineering	Electronics Engineering		
	Electronics and Communication Engineering	Electronics and Communication Engineering	
	Instrumentation Engineering		Electronics and Instrumentation Engineering
			Remote Sensing

From the above tabular column, it is clear that the PG degree (M.E. in Electronics and Instrumentation Engineering) and M.Tech in Remote Sensing obtained by the above said petitioners are equivalent to that of Electronics and Communication Engineering.

21. The petitioners, namely, Mr.A.Avenash and Ms.C.Moganapriya, in W.P.Nos.23330 and 27391 of 2017, respectively, have obtained B.E. in Machatronics Engineering, whereas Mr.A.Avenash studied M.Tech in Material Science and Engineering and Ms.C.Mogana Priya has studied M.E. in Engineering Design. Similarly, the petitioner in W.P.No.23673 of 2017, has obtained B.E. in Automobile engineering, whereas he has obtained M.E. in Computer Aided Design. The relevant PG qualifications fixed by the AICTE for UG degree in Machatronics Engineering as well as Automobile Engineering are stated below:-

Major Discipline of Engineering / Technology	Corresponding Course(s) of Engineering / Technology	Relevant/appropriate nomenclature of UG degree in Engineering/Technology	Relevant/Appropriate nomenclature of PG degree in Engineering/Technology
Mechanical Engineering	Mechanical Engineering		
	Automobile Engineering	Automobile Engineering	Computer Aided Design
	Mechatronics Engineering	Mechatronics Engineering	Engineering Disgn

From the above tabular column, it is clear that the PG degree (M.E. in Computer Aided Design and Engineering Design) obtained by the above said petitioners is equivalent to that of Mechatronics Engineering/Mechanical Engineering as well as Automobile Engineering. Thus, the contention of the learned AAG that the petitioners cannot be considered for appointment as the qualifications possessed by them in M.E / M.Tech are not equivalent to that of the subject chosen in UG level (B.E.), is totally unsustainable in law.

22. It is settled principle that the regulations framed by the Central Authorities such as the AICTE have the force of law and are binding on all concerned. A reference can be had from Parshvanath Charitable Trust and others Vs. All India Council for Technical Education and others [(2013) 3 SCC 385]. For better appreciation, relevant portions of the said judgment are extracted below:-

"27.The consistent view of this Court has been that where both Parliament and State Legislature have the power to legislate, the Central Act shall take precedence in the matters which are covered by such legislation and the State enactments shall pave way for such legislations to the extent they are in conflict or repugnant. As per the established canons of law, primacy of the Central Act is undisputable which necessarily implies primacy of AICTE in the field of technical education. Statutes like the present one as well as the National Council for Teachers Education Act, 1993, the Medical Council of India Act, 1956 etc. fall within the ambit of this canon of law. The AICTE is the authority constituted under the

Central Act with the responsibility of maintaining operational standards and judging the infrastructure and facilities available for imparting professional education. It shall take precedence over the opinion of the State as well as that of the University. The concerned department of the State and the affiliating university have a role to play, but it is limited in its application. They cannot lay down any guidelines or policies in conflict with the Central statute or the standards laid down by the Central body. The State can frame its policies, but such policy again has to be in conformity with the direction issued by the Central body. Though there is no such apparent conflict in the present case, yet it needs to be clarified that grant of approval by the State and affiliation by the University for increased intake of seats or commencement of new college should not be repugnant to the conditions of approval/recommendation granted by the AICTE. These authorities have to work in tandem as all of them have the common object to ensure maintenance of proper standards of education, examination and proper infrastructure for betterment of technical educational system.

28. It is also a settled principle that the regulations framed by the central authorities such as the AICTE have to force of law and are binding on all concerned. Once approval is granted or declined by such expert body, the courts would normally not substitute their view in this regard. Such expert views would normally be accepted by the court unless the powers vested in such expert body are exercised arbitrarily, capriciously or in a manner impermissible under the Regulations and the AICTE Act."

In view of the above, it is clear that the State Government cannot lay down any guidelines or policies in conflict with the Central Statute or the standards laid down by the Central body, like AICTE, therefore, the qualifications fixed by the AICTE are binding on the State Government, hence, the State Government cannot insist on equivalent Government Order, especially when no such order is available.

23. In the light of the above observations, the writ petitions are disposed of with a direction to the TRB to consider the claim of the petitioners in W.P.Nos.28041, 18835, 23673, 27072, 27391 and 23330 of 2017, without insisting equivalence Government Order to the effect that the subject they studied in PG degree is equivalent to that of the subject they studied in UG degree, and appoint them if they are otherwise qualified.

24. In W.P.No.28040 of 2017, the petitioner sought for a direction to the TRB to award additional 3 marks to her for possessing M.Tech in Remote Sensing. In view of a direction given to the TRB to follow the educational qualifications fixed by the AICTE, the authority concerned is directed to take a call on such claim made by the petitioner in accordance with law. No Costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

rkm
To

- 1.The Member Secretary,
Teachers Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 6.
- 2.Director of Technical Education,
Guindy, Chennai - 25.
- 3.The Member Secretary,
All India Council for Teacher Education,
Nelson Mandala Marg,
Vasanthkunj, New Delhi - 110067.
- 4.The Vice Chairman,
Equivalence Committee,
Tamil Nadu State Higher Education Council,
Lady Wellington College Campus,
Kamarajar Salai,
Triplicane, Chennai - 5.

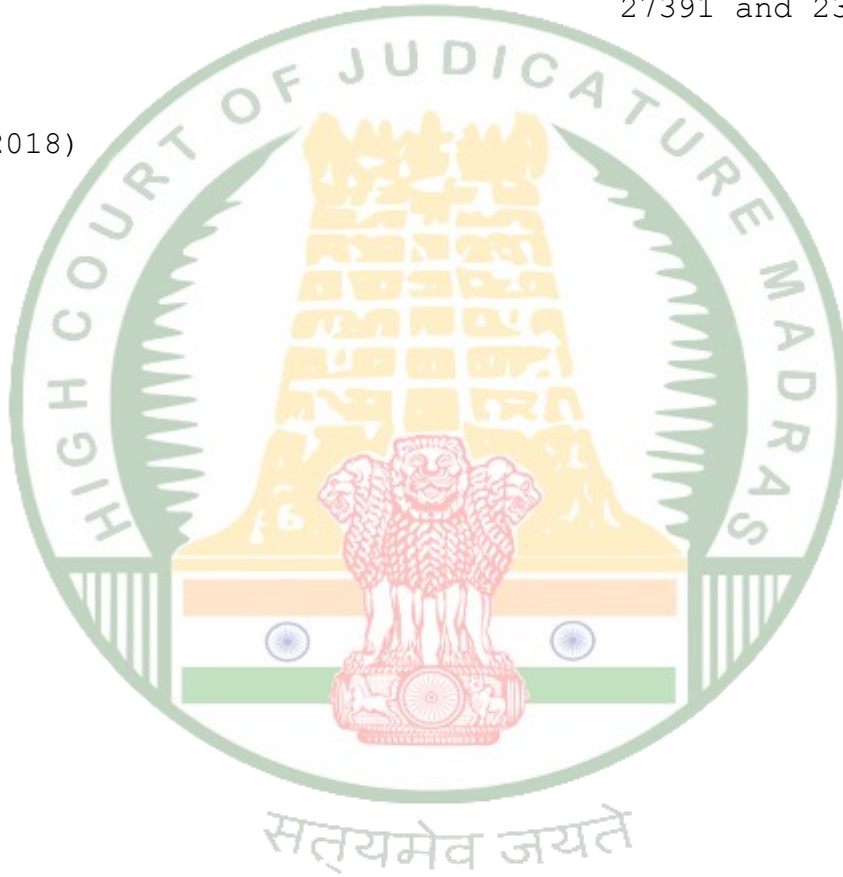
5. The Secretary to Government of Tamil Nadu
Higher Education (J1) Department
Fort. St. George
Chennai 9.

+1 CC to Ms. C. Uma, advocate sr 37133.

+1 CC to Ms.A.L. Gandhimathi, Advocate sr 37287.

Writ Petition Nos.28040,
28041, 18835, 23673, 27072,
27391 and 23330 of 2017

GMR (CO)
SP (27/06/2018)



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