

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2018

CORAM

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

W.P.No.8973 of 2013

and

M.P.No.2 of 2013

R.Saravana Raja

..Petitioner

vs

1.The Secretary to Government for Education,
Education Department, Government of Tamil Nadu,
Chennai.

2.The Chairman, Teachers Recruitment Board,
4th Floor, EVK Sambath Maaligai, DPI Compound,
College Road, Chennai.

.. 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 second respondent in respect of the results published by the second respondent through website dated 18.01.2013 and to quash the same and consequently to direct the respondents to appoint the petitioner to the post of Post Graduate Assistant with effect from the date on which other similarly placed candidates were appointed with all other consequential reliefs.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.K.Karthikeyan, GA

O R D E R

The relief sought for in this writ petition is to call for the records of the second respondent in respect of the results published by the second respondent through website dated 18.01.2013 and to quash the same and consequently to direct the respondents to appoint the petitioner to the post of Post Graduate Assistant with effect from the date on which other similarly placed candidates were appointed with all other consequential reliefs.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner acquired the qualification of M.S. Degree in Development Economics and M.Phil in Economics and passed B.Ed. in the year 2007. The petitioner claims that he is fully qualified for the post of Post Graduate Assistant in the Education Department in the Government of Tamil Nadu. The petitioner further states that he has studied M.S. Degree in Development Economics from Pondicherry Central University, which is recognised by the Government of India and all other State Governments in the Union of India.

3.The second respondent issued Notification No.3/2012 dated 28.12.2012, calling for applications from eligible candidates to fill up the posts of Post Graduate Assistant, numbering 246, more specifically, in the Faculty of Economics. The qualifications prescribed as per the Notification is a pass in M.A., M.Sc., M.Com., in the relevant subject with B.Ed. Since the petitioner is of an opinion that he is fully qualified, and participated in the written examination conducted on 27.05.2012. In the written examination, the petitioner secured 97 marks. The candidates, who secured below 97 marks were appointed and the case of the writ petitioner was not considered on the ground that he was not possessing the degree of M.A., in Economics as stipulated in the recruitment Notification.

4.The learned counsel appearing on behalf of the writ petitioner contended that the Pondicherry Central University is a recognized University and the degree of M.S. in Development Economics is to be treated equivalent to that of the M.A., in Economics granted by the other Universities. The Pondicherry Central University itself has issued the equivalence certificate in this regard. Thus, the respondents are bound by the same and the petitioner is entitled for appointment to the Post of Post Graduate Assistant.

5.The learned counsel appearing on behalf of the respondents opposed the contentions by stating that the equivalence of degrees granted by various Universities are to be considered only by the Expert Committee constituted for this purpose and the Government has to accept recommendations, if any made by such Expert Committee. In the absence of any Government Order in this regard, no authority can assume and grant equivalence in respect of various degrees granted by the University across the Country. In other words, the degrees granted by various Universities are to be placed before the Expert Committee for grant of equivalence and the committee has to make recommendations and it is for the Government to decide, whether the same can be treated equivalent or not. Ultimately, the Government is the authority to grant equivalence of various

degrees granted by the University across the country. However, no such equivalence is granted in respect of the degree of M.S. in Development Economics granted by the Pondicherry Central University. In the absence of any equivalence, the case of the writ petitioner cannot be considered and the degree obtained by the writ petitioner i.e., M.S. in Development Economics cannot be treated as equivalent to that of M.A., degree in Economics.

6.This Court has considered the same issue in W.P.No.24967 of 2010 dated 06.12.2017 and the relevant paragraph 8 is extracted hereunder:

"8. In this view of the matter, the relief sought for in this writ petition, cannot be considered in view of the fact that the third respondent-University is not a Competent Authority for issuing equivalence certificate and it is for the State to pass appropriate orders. Thus, this Court is not inclined to consider the claim of the writ petitioner in respect of granting equivalence for the degree of B.Sc., Environmental Zoology possessed by the writ petitioner. It is needless to state that the writ petitioner is at liberty to approach the Competent Authorities for getting declaration of equivalence in respect of the degree acquired by him."

7.In view of the legal principles settled and considering the relevant rules in the matter of grant of equivalence on various degrees issued by the University, this Court is of an opinion that it is left open to the writ petitioner to approach the Government of Tamil Nadu by submitting an application in this regard and it is for the Government to decide the equivalence in respect of the degrees granted by the Pondicherry Central University and other Universities.

8.This being the factum, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kak

To

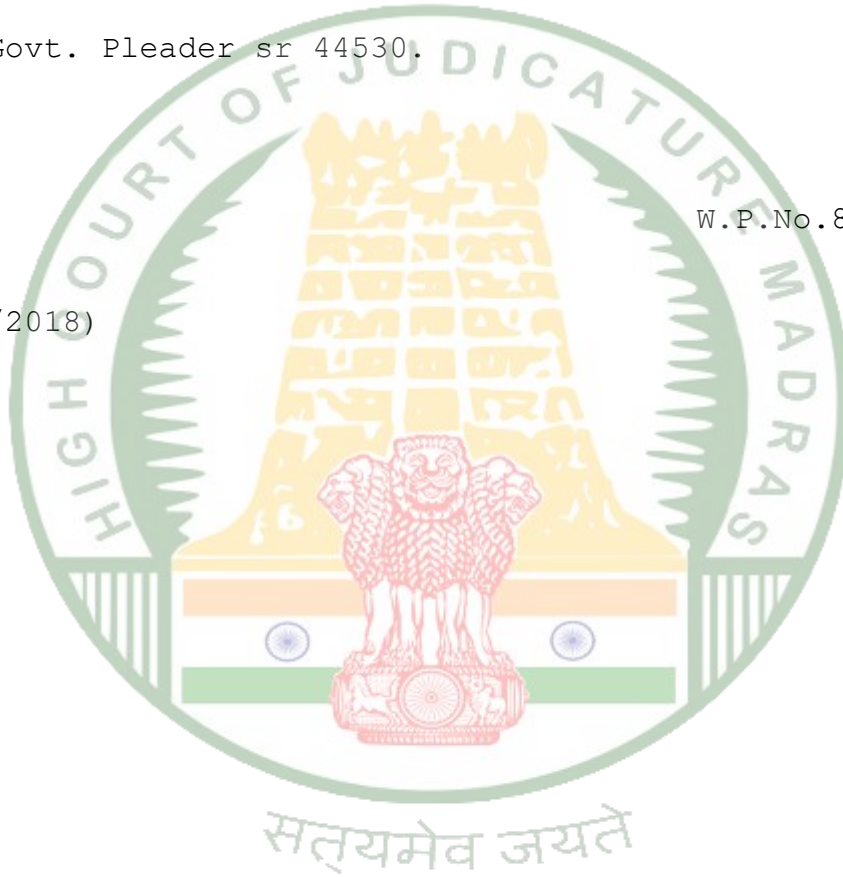
1.The Secretary to Government for Education,
Education Department, Government of Tamil Nadu,
Chennai.

2.The Chairman, Teachers Recruitment Board,
4th Floor, EVK Sambath Maaligai, DPI Compound,
College Road, Chennai.

+1 CC to Govt. Pleader sr 44530.

W.P.No.8973 of 2013

NRL (CO)
GSP (16/07/2018)



WEB COPY