

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16754 of 2018

P.Johnson

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-9.
2. Director of Technical Education,
Guindy,
Chennai-25.
3. The Anna University,
Rep. by its Registrar,
Guindy, Chennai-25.
4. Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai-2.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the fourth respondent not to insist the petitioner to provide the G.O. that B.E. Mechatronics Engineering awarded by the third respondent Anna University is equivalent to B.E. Mechanical Engineering, at the time of Certificate verification for the post of (Direct Recruitment in CMWSSB-2017) Assistant Engineer AE (Civil Engineering/Mechanical Engineering) and consequently direct the fourth respondent to appoint the petitioner if he is otherwise qualified for the said post.

For Petitioner : Mr.K.Jayaraman

For Respondent : Mrs.V.Annalakshmi,
Govt. Advocate for RR-1 & 2
Mr.M.Vijayakumar for R-3
Mr.N.Ramesh for R-4

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the fourth respondent not to insist the petitioner to provide the G.O. that B.E. Mechatronics Engineering awarded by the third respondent Anna University is equivalent to B.E. Mechanical Engineering, at the time of Certificate verification for the post of (Direct Recruitment in CMWSSB-2017) Assistant Engineer AE (Civil Engineering/Mechanical Engineering) and consequently direct the fourth respondent to appoint the petitioner if he is otherwise qualified for the said post.

2. It is the case of the petitioner that he is possessing B.E. Mechatronics Engineering with First Class awarded by the third respondent-Anna University. On being eligible for the post of Assistant Engineer in the fourth respondent-CMWSSB, the petitioner applied for the same and he was called for certificate verification and the petitioner was insisted to provide the G.O. that B.E. Mechatronics Engineering is equivalent to B.E. Mechanical Engineering. Since the petitioner could not produce the G.O., he was not appointed to the said post. Hence, the petitioner has filed the above Writ Petition for the relief stated supra.

3. Learned counsel for the petitioner relied on an order of this Court, dated 13.06.2018 passed in W.P.No.28840 of 2017 etc. batch cases, which is not applicable to the facts of the present case on hand, as the petitioner in that case, in W.P.No.28840 of 2017, wanted that without insisting on equivalence G.O., the petitioner therein wanted to hold that the subject Remote Sensing is equal to Electronics and Communication Engineering. In the said order, in paragraph 6, the learned Judge has referred to one of the Writ Petitions in that batch of cases, filed by one Mrs.C.Mogana Priya in W.P.No.27391 of 2017, wherein the prayer was to quash the order passed by the first respondent/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 to direct the second respondent therein not to insist on an equivalence G.O. of the first respondent therein 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 therein based on the application submitted by the petitioner pursuant to the Notification No.06/2017, dated 28.07.2017, issued by the second respondent therein for the post of Lecturer in Mechanical Engineering. The relevant portion of the said order in the said batch of cases

cases, reads as follows:

"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 Parshavanath 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:-

"... ..

"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."

4. In this case, there are no guidelines or policies in conflict with the Central Statute. The Equivalence Committee of the TNPSC has gone into the Certificate and compared the subjects and held in its 51st Equivalence Committee meeting on 25.03.2015 in Agenda No.14 that B.E. Mechatronics Engineering awarded by the Anna University is not equivalent to B.E. Mechanical Engineering and the said view of the Equivalence Committee has been accepted by the Government, which passed G.O. (Ms).No.217, Higher Education (J1) Department, dated 24.07.2015 holding that the said courses are not equivalent.

5. I had an occasion to consider similar matter pertaining to B.E. Production Engineering and B.E. Mechanical Engineering. This Court followed the decision of the Supreme Court and held as follows:

"15. With regard to treating the courses as equivalent, it is worthwhile to quote a decision of the Supreme Court reported in 2008 (3) SCC 432 = 2008 (1) SCC (L & S) 771 (Basic Education Board, U.P. Vs. Upendra Rai and others), wherein the Apex Court held as follows in paragraph 15:

"15. Grant of equivalence and/or revocation of equivalence is an administrative decision which is in the sole discretion of the authority concerned, and the Court has nothing to do with such matters. The matter of equivalence is decided by experts appointed by the Government, and the Court does not have expertise in such matters. Hence, it should exercise judicial restraint and not interfere in it."

16. In this case, this Court cannot sit in appeal over the decision of the expert body, as the decision of the expert body was duly considered by the Equivalence Committee of the TNPSC, and only thereafter, the Equivalence Committee has reached a conclusion that both the courses are not equivalent.

17. Thus, the status of equivalence has to be decided only by expert body, that too on technical and academic matters and rightly, relying on the expert opinion, in this case, as submitted by the learned counsel for the first respondent, the Equivalence Committee has decided that both the courses are not equivalent culminating in passing of G.O.Ms.No.66 stated above."

6. Admittedly, in this case, the Equivalence Committee has held that both the courses are different, based on which G.O. (Ms).No.217 was passed herein, as discussed above. Only with regard to the post of Lecturer/teaching profession, I have held in the above case based on the Notification issued by the All India Council for Technical Education, dated 28.04.2017, wherein

the Regulations, namely "All India Council for Technical Education (Major/Core Branch of Engineering/Technology and their relevant/appropriate courses leading to degree in Engineering/Technology) 2017" were framed dealing with recruitment to teaching positions, that though the said courses are not treated as equivalent for the purpose of employment, yet they are construed as equivalent only for the purpose of teaching, as is evident from the said Notification issued by the All India Council for Technical Education, dated 28.04.2017 while framing the said Regulations. It was further held therein that since both the courses could be treated as equivalent only for the purpose of teaching as is evident from the said Notification, dated 28.04.2017 briefing therein the subjects in both the courses, which are more or less similar, it is open for the petitioner therein to take teaching as his profession, if he is otherwise eligible/suitable for the teaching profession. Thus, it has to be construed that B.E. Mechatronics Engineering and B.E. Mechanical Engineering are not equivalent for employment purpose.

7. In view of the foregoing observations and discussion, the relief sought for by the petitioner in this Writ Petition cannot be granted. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-9.
2. Director of Technical Education,
Guindy, Chennai-25.
3. The Anna University,
Rep. by its Registrar,
Guindy, Chennai-25.

4. Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai-2.

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.43523
+1cc to Mr.N.Ramesh, Advocate, S.R.No.43744
+1cc to the Government Pleader, S.R.No.44040

+1cc to Mr.K.Jayaraman, Advocate, S.R.No.52022 (31.07.2018)

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KS (CO)
CS/19/07/18



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