

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16280 of 2013

And

M.P.No1 of 2013

T.Natarajan

.. Petitioner

Versus

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

2.Teachers Recruitment Board,
Chennai-600 006.

3.Joint Director of School Education
(Higher Education),
College Road,
Chennai-600 006.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the third respondent passed in her proceedings Na.Ka.No.97661/W3/E2/2012 dated 27.5.2013, quash the said order dated 27.5.2013 and consequently direct the respondents to continue the petitioner in the post of Post Graduate Teacher (Geography) in Government Boys Higher Secondary School, Peravurani, Thanjavur District.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.K.Karthikeyan,
Government Advocate.

O R D E R

The order of rejection passed by the Joint Director of School Education (Higher Education)/third respondent herein in proceedings dated 27.5.2013, cancelling the appointment issued

in favour of the writ petitioner, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that the writ petitioner had completed B.Sc., Geography Degree and M.Sc., Applied Geography P.G. degree in First Class from Bharathidasan University. Thereafter, the writ petitioner possessed M.Phil Geography in First Class from Bharathidasan University. The writ petitioner has completed B.Ed., degree in First Class also from the Tamil Nadu Teachers Education University.

3. Pursuant to the Recruitment Notification issued for appointment to the post of Post Graduate Teachers in various subjects, including Geography, the writ petitioner submitted his application and appeared in the written examinations held on 27.5.2012. The writ petitioner was successful in the examination and was appointed by the competent authority in proceedings dated 12.12.2012.

4. The writ petitioner joined as a Post Graduate Teacher in Government Higher Secondary School, Peravurani, Thanjavur District on 2.1.2013. While-so, the impugned order has been passed in proceedings dated 27.5.2013, stating that the writ petitioner has studied only Applied Geography in his Post Graduation Degree, which is not equivalent to the subject of Geography, which was notified by the respondents in the Recruitment Notification.

5. The question arises whether the degree of M.Sc., Applied Geography is equivalent to M.Sc., Geography. The writ petitioner acquired the said qualification from Bharathidasan University and the learned counsel for the writ petitioner today filed an additional typed set of papers, wherein a copy of G.O.Ms.No.270, Higher Education (K2) Department, dated 31.12.2013 is enclosed. The said Government Order relates to equivalence of degree granted by the various Universities. Item No.4 of the said Government Order reads as under:

"Item No.4: Public Services -
Educational Qualification - Consideration of
M.Sc., Applied Geography awarded by
Bharathidasan University as equivalent to
M.Sc. Geography for the purpose of employment
in Public Services."

6. On a perusal of the same, the M.Sc., Applied Geography awarded by the Bharathidasan University is declared as equivalent to M.Sc., Geography for the purpose of employment in Public Services.

7. The learned Government Advocate, appearing on behalf of the respondents, states that the Notification was issued prior to the issuance of the said Government Order. However, this Court is of an opinion that such an argument cannot be accepted in view of the fact that the Committee constituted for the purpose of grant of equivalence of degree in the subject that the M.Sc., Applied Geography is equivalent to M.Sc., Geography in respect of Bharathidasan University. Such being the decision taken by the Government and the Government also accepted the recommendations and issued orders in G.O.Ms.No.270, Higher Education (K2) Department, dated 31.12.2013.

8. Such being the factum of the case, the order of rejection passed by the third respondent in proceedings dated 27.5.2013 is in violation of the Government Order issued in G.O.Ms.No.270, Higher Education (K2) Department, dated 31.12.2013. When the Government has already declared that the degree of M.Sc., Applied Geography is equivalent to M.Sc., Geography degree awarded by the Bharathidasan University, there is no reason to cancel the appointment already made in favour of the writ petitioner. Accordingly, the impugned order passed by the third respondent in proceedings Na.Ka.No.97661/ W3/ E2/2012 dated 27.5.2013, is quashed and the respondents are directed to allow the writ petitioner to continue in service.

9. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

Svn

To

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

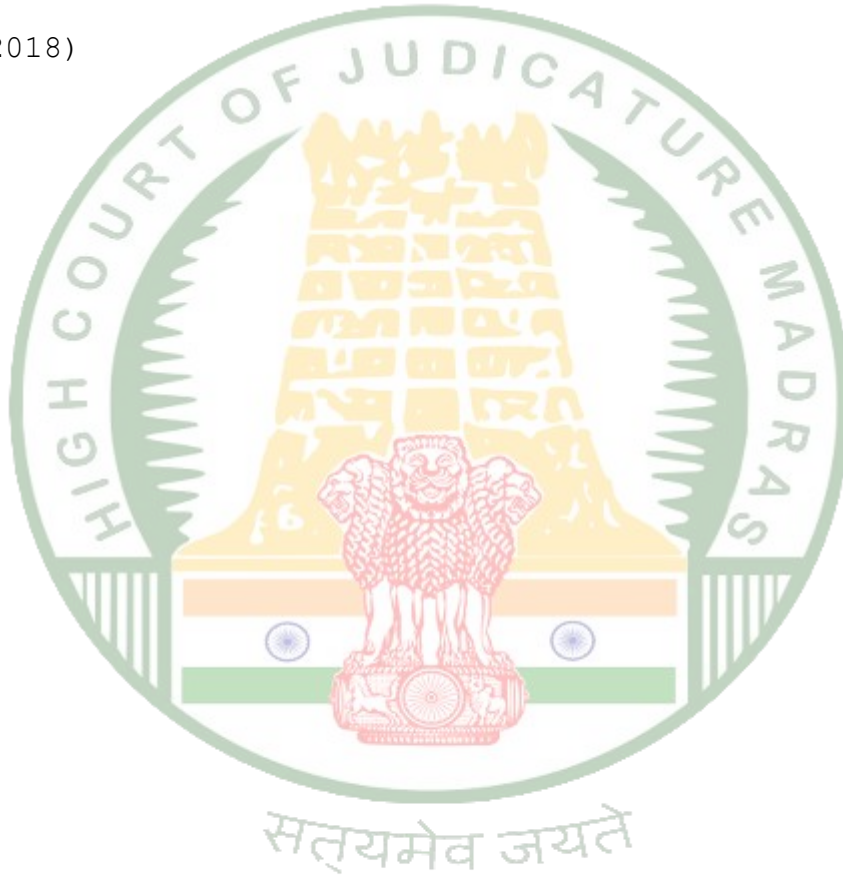
2.Teachers Recruitment Board,
Chennai-600 006.

3.Joint Director of School Education
(Higher Education),
College Road,
Chennai-600 006.

+1cc to Mr.P.Anbarasan, Advocate SR.No.45390

WP 16280 of 2013

GN (20/07/2018)



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