



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.3831 of 2018

and

W.M.P (MD) Nos.3964 and 3965 of 2018

R.V.Rajavel

... Petitioner

Vs.

1. The Commissioner,
Directorate of Technical Education,
53, Sardhar Patel Road,
Guindy,
Chennai-600025.
 2. The Principal,
Virudhunagar S.Vellaichamy Nadar Polytechnic College,
Virudhunagar-626001.
 3. The Chairman,
Virudhunagar S.Vellaichamy Nadar Polytechnic College,
Virudhunagar-626001.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Letter No.28948/C1/2015 dated 18.12.2017 and quash the same and direct the first respondent to approve the appointment of the petitioner for the post of lecturer in Mechanical Engineering and consequently to pay all monetary and service benefits to the petitioner.

For Petitioner	: Mr.K.V.Subramanian for Mr.P.Thirumahilmaran
For R1	: Mr.Jeyakumar Additional Government Pleader
For R2 and R3	: Mr.P.Chandra Bose

ORDER

The writ petitioner after completing his B.Tech degree in Automobile Technology in first class in the year 2009 went to study Mechanical Engineering in Engineering Design in Anna University. He scored first class in the Master Degree also. He was working as a management staff in the third respondent institution. The third



respondent is an aided polytechnic college. When the third respondent issued an advertisement calling for applications to fill up the vacancy in the post of Lecturer in Mechanical Engineer in the third respondent college, the writ petitioner applied in response thereto. The selection committee comprised not only the Management representatives but also Government nominees. The selection committee found the writ petitioner to be eligible and selected him and appointed him to the said post of Lecturer in Mechanical Engineer with effect from 06.07.2015. The writ petitioner took charge on 12.07.2015. The Management submitted the proposal for according approval of the writ petitioner's appointment to the first respondent. The first respondent by the impugned order dated 18.12.2017 declined to accord approval. The same is questioned in this writ petition.

2.The learned Additional Government Pleader appearing for the first respondent contended that the writ petitioner is having degree qualification only in Automobile Engineering and since Anna University has declared that the said degree is not equivalent to Mechanical Engineering degree, the appointment cannot be approved. The Additional Government Pleader also produced a copy of the letter dated 27.11.2017 issued by Anna University to the first respondent in this regard. The stand taken by Anna University has been adopted by the first respondent and based on the same, the impugned order has been passed.

3.The learned Senior Counsel appearing for the writ petitioner as well as the learned Standing Counsel appearing for the College Management contended that as per the norms set out in the recruitment notification, what is required, is only possession of a Bachelor Degree in Engineering/Technology in the relevant branch with first class or equivalent. Therefore, what is to be possessed by the candidate concerned is only a Bachelor Degree in the relevant branch.

4.The learned Senior Counsel appearing for the writ petitioner took this Court to the notification issued by the All India Council For Technical Education on 28.04.2017. The said notification is to the effect that the relevant subjects for Mechanical Engineering are Production Engineering and Automobile Engineering. The petitioner herein having passed Bachelor Degree in Automobile Engineering can certainly be considered to be eligible for the post of Lecturer in Mechanical Engineering.

5.The learned Standing Counsel for the management as well as the learned Senior Counsel for the petitioner placed reliance on the decision of the Hon'ble Supreme Court in **Rajbir Singh Dalal Vs. Chaudhari Devilal University, Sirsa, and others** reported in (2008) 9 SCC 284. The relevant paragraphs read as under:

"29. It may be mentioned that on a clarification sought from UGC whether a candidate who possesses a Masters degree in Public Administration is eligible for the post of Lecturer



in Political Science and vice versa, UGC wrote a letter dated 05.03.1992 to the "Registrar, M.D.University, Rohtak stating that the subjects of Political Science and Public Administration are interchangeable and interrelated and a candidate who possesses Masters degree in Public Administration is eligible as Lecturer in Political Science and vice versa. Thus, this is the view of UGC, which is an expert in academic matters, and the court should not sit in appeal over this opinion and take a contrary view.

30.Learned Counsel for the appellant has also pointed out that a large number of universities in this country have a single department for both the subjects of Political Science and Public Administration are interchangeable and interrelated. Political Science is the mother subject and Public Administration is the offshoot of the same.

31.We agree with Mr.Patwalia, learned counsel, that it is not appropriate for this Court to sit in appeal over the opinion of the experts who are of the view that Political Science and Public Administration are interrelated and interchangeable subjects, and hence a candidate who possesses Masters degree in Public Administration is eligible for the post of Lecturer in Political Science and vice versa. We are told that a large number of persons having qualifications in the interchangeable/interrelated subjects have been appointed Readers/Professors/Lecturers and are continuing as such in various colleges and universities in the State.

32.In Para 5 of the counter-affidavit filed by the respondent University before the High Court, it has been specifically stated that Public Administration is one of the branches of Political Science, and the appellant was selected by a Selection Committee consisting of eminent experts after evaluating his qualifications and work."

6.In the said case, the post in question was lecturer in polytechnic and the candidates concerned should have degree in Public Administration. The Hon'ble High Court held that they are not inter-changeable but reversing the said decision, the Supreme Court held that since an expert namely UGC declared that subjects in Political Science and Public Administration are inter changeable and inter-related, the candidate possessing Masters degree in Public Administration is eligible for the post of Lecturer in Political Science and vice versa. Of-course, in this case, Anna University has given a contra opinion and based on the same, the first respondent has taken a decision. But this Court is of the view that the opinion given by AICTE is to be accepted. Therefore, the order impugned in this writ petition stands quashed. The first respondent is directed to accord approval to the appointment of the writ petitioner as Lecturer in Mechanical Engineering in the second respondent college with effect from 06.07.2015 and release grant-in-aid towards the salary and all other benefits within a period of four weeks from



the date of receipt of a copy of this order. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Directorate of Technical Education,
53, Sardhar Patel Road,
Guindy,
Chennai-600025.

- + 1 CC TO Mr.P.CHANDRA BOSE, ADVOCATE IN SR No. 57851
- + 1 CC TO Mr.P.THIRUMAHIL MARAN, ADVOCATE IN SR No. 57722
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 58458

RMI

TE/SB/SAR-3 : 25/06/2018 : 4P/5C

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