

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.24132 of 2013 and
M.P.Nos.1 and 2 of 2013

B.Murugeswari

.. Petitioner

-VS-

1.The State of Tamil Nadu
rep. by its Secretary,
Education Department,
Fort St. George,
Chennai-600 009.

2.The Vice Chancellor,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005.

3.The Registrar,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005.

4.The Controller of Examination,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005.

5.The Registrar,
Madurai Kamarajar University,
Palgalai Nagar,
Madurai-625 021.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the order of the 4th respondent vide his Letter No.TNTEU/R/EC/CC11208/2013/742 dated 25.4.2013 and quash the same as illegal and arbitrary, consequently, directing the respondents 2 to 4 to permit the petitioner to appear in the upcoming Supplementary B.Ed.,

Examination.

For Petitioner : Mr.S.Ambal Vannan

For Respondents : Mrs.P.Rajalakshmi,
AGP for R1

Mr.U.Venkatesan,
Standing Counsel for R2 to 4

Mr.M.Sivavarthanan,
Standing Counsel for R5

ORDER

Challenging the impugned order of the 4th respondent, namely, the Controller of Examination, Tamil Nadu Teachers Education University, Chennai, the 4th respondent herein dated 25.4.2013 as illegal and arbitrary along with a consequential direction, directing the respondents 2 to 4 to permit the petitioner to appear in the upcoming Supplementary B.Ed., Examination, the present Writ Petition has been filed. Along with the main Writ Petition, the petitioner has also filed M.P.No.2/2013 seeking interim direction to the Registrar, Madurai Kamarajar University, Madurai, the 5th respondent herein to issue Equivalent Certificate to her as M.Com. (Banking) Degree obtained by her from Madurai Kamaraj University is equivalent to M.Com. Degree pending disposal of the Writ Petition.

2. Before proceeding further, it must be made clear that the interim direction sought for by the petitioner directing the 5th respondent to issue Equivalent Certificate to her that M.Com. Banking Degree undergone by her is equivalent to M.Com. is wholly unsustainable as the University is not entitled to issue any Equivalent Certificate and it is for the Government to form Equivalence Committee and on the recommendations of the Equivalence Committee, the Government shall issue the concerned Government Order. Therefore, the interim direction sought for in M.P.No.2 of 2013 is liable to go.

3. It is the case of the petitioner that after completing M.Com. (Banking), she applied for pursuing B.Ed. Degree Course in KAPI Women's College of Education, Gangaram Durairaj Street, Nagamalai, Madurai during the academic year 2012-2013. The respondents 2 to 4 directed the petitioner to submit the Equivalent Certificate from the 5th respondent that M.Com. (Banking) offered by the Madurai Kamaraj University is equivalent to M.Com. The petitioner made a representation dated 27.11.2012 to the Registrar, Madurai Kamaraj University to issue the Equivalent Certificate that her M.Com. Banking is equivalent

to M.Com. Degree. However, her representation was not considered. In the meanwhile, the 1st respondent has issued G.O. (Ms.) No.30, Higher Education (K2) Department, dated 04.03.2013 holding that certain degree awarded by Bharathidasan University are equivalent to certain degrees in which Sl.No.2 has clearly mentioned that the degree of M.Com. Bank Management is equivalent to M.Com. Therefore, the petitioner again made a representation dated 03.04.2013 to the Controller of Examination, Madurai Kamarajar University requesting to issue the Equivalent Certificate similar to the Bharathidasan University issuing Equivalent Certificate to some candidates. But the same has not been considered.

4. It is the further case of the petitioner that when she was hopefully waiting for the hall ticket for the examination of B.Ed., her B.Ed. admission was cancelled by the Controller of Examination, Tamil Nadu Teachers Education University, Chennai, the 4th respondent herein and in their letter No. TNTEU/R/EC/CC11208/2013/742 dated 25.4.2013 addressed to the Principal, Kapi Women's College of Education, Nagamalai, Madurai District it has been stated that the B.Ed., admission of the petitioner in the college for the year 2012-2013 has been cancelled and also not permitted to appear for the B.Ed Degree Examination to be held in May/June 2013 for not submitting her M.Com. Banking is Equivalent to M.Com. Equivalent Certificate. Thereafter, the 1st respondent has issued G.O.Ms.No.72, Higher Education (K2) Department dated 30.4.2013 stating that the consideration of various educational qualifications possessed by the candidates as equivalent to the qualification prescribed for the post of teachers in the School Education Department mentioning in Sl.No.49, M.Com. Banking degree possessed by the petitioner is equivalent to M.Com. Degree. Therefore, the petitioner made a representation dated 23.05.2013 to the 5th respondent to issue Equivalent Certificate. But there was no response from them. Hence, the petitioner was constrained to come to this court challenging the above order.

5. A detailed counter affidavit has been filed by the 3rd respondent.

6. Learned Standing Counsel appearing for the 5th respondent argued that Universities have no authority to issue any equivalent certificate as the Government have to form an Equivalence Committee, who in turn, shall consider which subject is equivalent to which subject and after any Equivalence Committee has issued any certificate with recommendation that M.Com. Banking of Madurai Kamara University is equivalent to M.Com., only then, the Government will issue appropriate Government Order stating that the petitioner's degree, namely, M.Com., issued by the Madurai Kamaraj University is equivalent to M.Com. Degree. Therefore, the petitioner has to approach the

Government for formation of Equivalence Committee. Without doing so, the petitioner cannot maintain the present Writ Petition.

7. Reiterating the arguments advanced by the learned Standing Counsel for the 5th respondent Madurai Kamarajar University, learned Standing Counsel appearing for the Tamil Nadu Teachers Education University submitted that the present Writ Petition is liable to be dismissed.

8. Considered the submissions made on either side and I have also perused the materials available on record carefully.

9. At the outset, it appears that the petitioner has obtained B.Com. Degree Course in Bachelor of Commerce in April, 2008 from Madurai Kamaraj University. Thereafter, she has completed successfully her M.Com. (Banking) Degree in June, 2012. According to the petitioner, since M.Com. (Banking) Degree obtained by her from Madurai Kamaraj University is equivalent to M.Com. Degree, she is eligible to pursue B.Ed. Degree and accordingly applied and pursued B.Ed., Degree Course in KAPI Women's College of Education, 84 Gangaram Durairaj Street, Nagamalai, Madurai. While so, since the respondents 2 to 4 directed her to submit the Equivalent Certificate from the 5th respondent that her M.Com. (Banking) Degree is equivalent to M.Com. Degree, she gave a representation dated 27.11.2012 to the Registrar, Madurai Kamaraj University to issue Equivalent Certificate that her M.Com. (Banking) is equivalent to M.Com. which enables her to study B.Ed. Degree Course. In support of the case of the petitioner, the learned Counsel for the petitioner has relied on G.O. (Ms.) No.30, Higher Education (K2) Department, dated 04.03.2013 holding that certain degree awarded by Bharathidasan University are equivalent to certain degrees in which Sl.No.2 has clearly mentioned that the degree of M.Com., Bank Management is equivalent to M.Com. Degree. It is pertinent to note that the 1st respondent has issued G.O.Ms.No.72, Higher Education (K2) Department dated 30.4.2013 stating that the consideration of various educational qualifications possessed by the candidates as equivalent to the qualification prescribed for the post of teachers in the School Education Department mentioning in Sl.No.49, M.Com. Banking degree possessed by the petitioner is equivalent to M.Com. Degree.

10. But, according to the learned Counsel for the respondents 2 to 4, since the petitioner has obtained B.Com. Degree in General Commerce and thereafter, M.Com. (Banking) Degree, she is not entitled to be considered as a student studied B.Com. Degree and M.Com. Degree to pursue B.Ed. Degree Course. Further it is stated by the learned Standing Counsel for the respondents 2 to 4 and also by the 5th respondent that the Universities have no authority to issue any Equivalent Certificate and it is for the Government to form an equivalence

committee who in turn issue a certificate with recommendation that M.Com. Banking of Madurai Kamaraj University is equivalent to M.Com. Degree, only then, the Government will issue appropriate Government Order stating that the petitioner's degree, namely, M.Com., offered by the Madurai Kamaraj University is equivalent to M.Com. Degree. Therefore, the petitioner has to approach the Government for formation of Equivalent Committee.

11 In view of all the above, the 1st respondent Government of Tamil Nadu is directed to consider the case of the petitioner whether the M.Com. Banking Degree possessed by her from Madurai Kamaraj University is equivalent to M.Com. Degree or not as per the procedure in existence. That exercise shall be completed within a period of four months from the date of receipt of a copy of this Order.

12. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

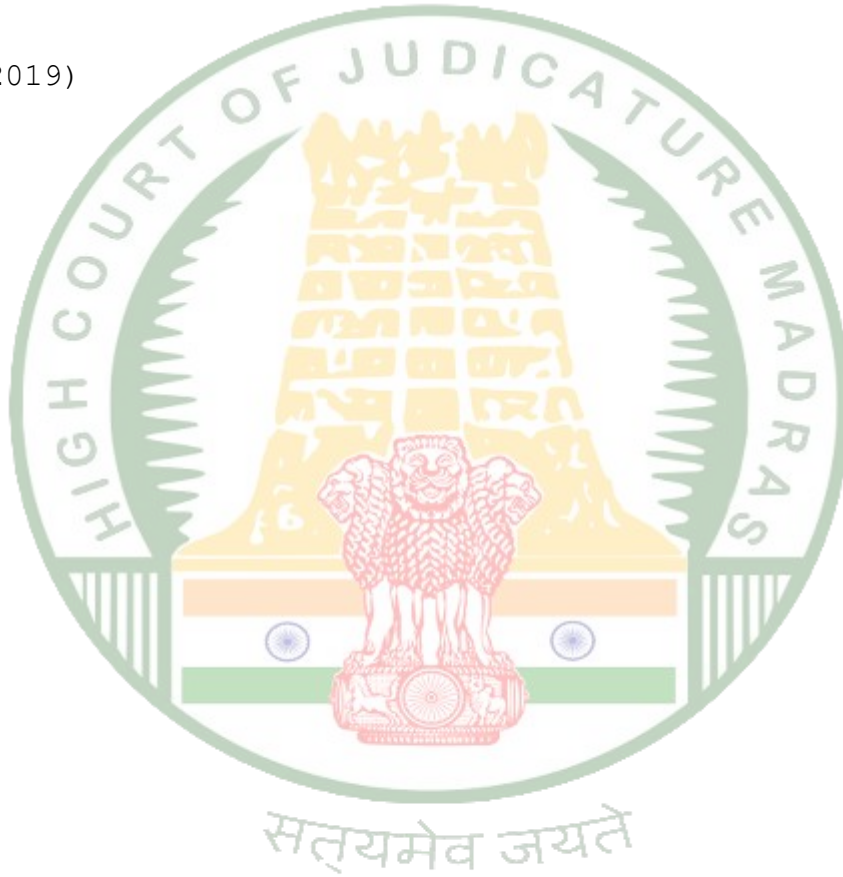
- 1.The Secretary,
State of Tamil Nadu
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Chennai-600 009.
- 2.The Vice Chancellor,
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5.The Registrar,
Madurai Kamarajar University,
Palgalai Nagar,
Madurai-625 021.

+1cc to Mr.U.Venkatesan, Advocate SR.91688
+1cc to M/s.S.Ambalvanan, Advocate SR.92279
+1cc to Mr.M.Sivavarthan, Advocate SR.91912
+1cc to the Government Pleader SR.91790

W.P. No.24132/2013

BS (CO)
CB (30/12/2019)



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