

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.A.No.3157 of 2019
and CMP Nos.19948 & 19950 of 2019

1. The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Egmore, Chennai - 600 008.
 2. The Inspector of General of Police,
(Technical Services)
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
 3. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4. ... Appellants/Respondents
- Vs.
- A.S.Divya Varshini ... Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent
against the Order dated 25.07.2019 made in W.P.No.2476 of
2019.

Prayer in WP.No.2476/2019:

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 connection with the provisional selection list for appointment to the post of Sub-Inspector of Police (Technical) 2018 published on 14-11-2018 and quash the same under Open Quota and direct the 1st respondent to award 3 marks for the additional educational qualification acquired by the Petitioner in B.Tech and M.Tech Integrated course and consequently select and appoint the petitioner as Sub-Inspector of Police (Technical) 2018 and grant her all consequential service and monetary benefits.

For Appellants : Mr.P.S.Siva Shanmuga Sundaram
Special Government Pleader

J U D G E M E N T
(Order of the Court was delivered by S.MANIKUMAR, J)

Challenge in this appeal is to the order of the writ court dated 25.7.2019 made in W.P. No.2476 of 2019, by which, the writ court allowed the writ petition and quashed the impugned selection list dated 14.12.2018 insofar as the non-selection of the respondent herein/writ petitioner as Sub-Inspector of Police (Technical) concerned. Writ court further directed the first respondent to grant two marks to the respondent/writ petitioner, considering her B.Tech. degree as equivalent to B.E. Degree in Electronics and Communication Engineering (4 years), in terms of clause 21 of the Notification, dated 11.7.2018. On such additional two marks being granted, the respondents therein are directed to grant appointment to the respondent/writ petitioner as Sub Inspector of Police (Technical), if the writ petitioner is otherwise eligible for such appointment and grant her all other attendant and consequential benefits. Appellants are further directed to pass consequential order in compliance with the directions given by this court within a period of four weeks from the date of receipt of copy of writ court order.

2. Short facts leading to this writ appeal are that the Member Secretary, Tamil Nadu Uniformed Services Recruitment Board, Chennai, issued Notification No.1 of 2018, dated 11.07.2018, calling for eligible candidates from open market for appointment to the post of Sub-Inspector of Police (Technical), 2018. Respondent herein/writ petitioner has originally obtained Masters Degree in Engineering (M.Tech) (Communication Systems), from Sastra University. The writ petitioner has also obtained Bachelors Degree in (B.Tech), (Electronics and Communication Engineering). She had secured First Class with Distinction in the examination held in May, 2017. Both the degrees, are obtained from Sastra University, a deemed University, recognised by the All India Council for Technical Education (AICTE) and University Grants Commission (UGC). The respondent herein/petitioner belongs to Other Communities (OC).

3. In response to the advertisement dated 11.07.2018, she applied to the post of Sub-Inspector of Police (Technical), 2018. She has appeared for the written examination on 30.09.2018 and secured 48 out of 80 marks and thus, she became eligible for the next stage of selection. Thereafter, the writ petitioner appeared for the certificate verification on 19.11.2018 and the Sub-Committee, which verified the certificates, has gone through the educational qualifications of the writ petitioner and satisfied with the Masters Degree obtained by the petitioner. On the same day, the writ petitioner was subjected to Physical Measurement Test. She

satisfied the requirement and became eligible for the final stage of selection.

4. As per the Notification, additional marks are given for additional qualification of the candidates concerned. As per Clause 21 of the Notification, extra marks earmarked for additional qualification, as tabulated hereunder:

Educational Qualification	Marks
B.E.Degree in Electronics and Communication Engineering - 4 years	2
BCA/B.Sc.Degree in Computer Science for B.Sc.IT- 3 years	2
B.E. Or B.Tech Degree in Computer Science or I.T. - 4 years	3
Post Graduate Diploma in Computer Application - 1 year	1
M.E or M.Tech Degree in Communication System - 2 years	2
M.E. Or M.Tech Degree in Computer Science - 2 years	2
MCA - 3 years	2

4a. Clause 10 of the Notification, prescribes the educational qualification for appointment, as under:

1.Candidate should possess minimum a second class diploma in Electronics and Communication Engineering awarded by the State Board of Technical Education, Tamil Nadu;

or

A Degree (B.E/B.Tech) in Electronics and Communication Engineering by All India Council for Technical Education.?

5. Being a Bachelor degree holder in Electronics and Communication Engineering and M.Tech in Communication Systems, writ petitioner claimed to be fully qualified for appointment to the said post. According to the petitioner, she is also eligible for grant of additional marks as stipulated in Clause 21 of the Notification for additional qualification, namely M.Tech. According to her, she was also eligible to be granted additional marks for her participation in Scouts and Guides and she had secured Rajya Purashkar Award.

6. After the certificate verification, the writ petitioner appeared for Viva-Voce on 06.12.2018. She answered all the questions in the interview and was granted 6.40 marks out of 10 marks. When the results were published on 14.12.2018, her name did not appear in the selection list under OC Category. Immediately, she applied under the Right to Information Act, 2005, seeking information as to the marks obtained by her in the selection. A reply was given to her that she was awarded 48 marks in the written test and 6.40 marks in Viva-Voce and totally she secured 54.40 marks. According to the final selection list, the cut off marks for OC Category(women) was 56.20 marks and therefore, the petitioner became ineligible for appointment to the post of Sub-Inspector of Police (Technical).

7. According to the petitioner, she has not been awarded any additional marks for the qualification secured by her, viz., B.Tech/M.Tech and that if two marks for her B.Tech qualification in terms of Clause 21 of the Notification, is awarded, she would have ultimately got 56.40 marks and in which event, she would have been selected for the post of Sub-Inspector of Police (Technical), as the cut off marks for OC Category (women) was only 56.20. The petitioner understood that the additional marks probably has not been granted to her in view of the integrated course studied by her in Sastra University, i.e., she has studied for a period of 3½ years and earned the Bachelors Degree in Electronics and Communication Engineering and 1½ years and secured her M.Tech in Communication Systems. Probably, the Sub-Committee, which verified the certificates, was not satisfied with the integrated course studied by the petitioner and therefore, the Committee has not awarded any additional marks, as envisaged in Clause 21 of the Notification. In these circumstances, the petitioner has filed W.P. No.2476/2019 challenging the selection list dated 14.12.2018, insofar as her non-selection is concerned.

8. Writ court, upon hearing the submissions of both parties and after perusing the materials placed, on 25.7.2019, granted the relief as prayed for by the petitioner by allowing the writ petition. The operative portion of the order reads thus:

16. For the above said reasons, this Court has no hesitation in allowing the writ petition. Accordingly, the writ petition stands allowed and the impugned select list dated 14.12.2018 is hereby quashed only insofar as the non-selection of the petitioner as Sub-Inspector of Police (Technical) concerned. The first respondent is directed to grant two marks to the petitioner, considering her B.Tech

degree as equivalent B.E Degree in Electronic and Communication Engineering (4 years), in terms of Clause 21 of the Notification, dated 11.07.2018. On such additional two marks being granted, the respondents are directed to grant appointment to the petitioner as Sub Inspector of Police (Technical), if the petitioner is otherwise eligible for such appointment and grant her all other attendant and consequential benefits. The respondents are directed to pass consequential order in compliance with the directions given by this Court within a period of four weeks from the date of receipt of copy of this order. No costs. Connected miscellaneous petition is closed.

9. Challenging the correctness and validity of the order dated 24.7.2019 made in W.P. No.2476/2019, instant writ has been filed on the following grounds:

i) Writ court ought not to have allowed the writ petition filed by the respondent/petitioner by considering her five years integrated course of Bachelor of Technology in Electronics and Communication Engineering and Master of Technology in Communication Systems as a single degree of B.E. in Electronics and Communication Engineering and thereby awarding 2 additional marks and thus grant appointment to the post of Sub-Inspector of Police (Technical) 2018.

ii) Writ court ought to have taken into consideration all relevant materials while passing the order.

iii) The guiding principles of the UGC notification on specification of degrees dated 5th July 2014 published in the Gazette of India, states that the Integrated/Dual Degree Programme combining two or more disciplines shall be permissible only if there is no compromise on any of the course requirements, viz, duration, number of papers and intensity of courses, teaching/learning hours, credits etc. Integrated and Dual Degree Programmes are therefore, be introduced by the universities/institutions subject to the following conditions:-

a) The Integrated/Dual Degree Programmes must not dilute the standards as prescribed under the Regulations made by the UGC and other statutory authorities concerned in terms of syllabi, programme duration and examination requirements.

b) If the Integrated/Dual Degree Programmes intend to offer two separate degrees with an option for an interim exit of lateral entry, the duration of the Integrated/Dual Degree programme must not be less than the duration equal to the sum total of the prescribed duration of the two degrees that are being combined in the Integrated/Dual Degree programme. Provided that all such programmes (name of the first degree)-(name of the final degree). Provided further that both the degrees awarded under the Integrated/Dual Degree Programme shall be individually and separately recognised as equivalent to corresponding degrees and not as one single integrated degree.

c) If the Integrated Programme intends to offer a single degree without permission to exit and lateral entry, the programme duration may be relaxed by not more than 20% of the sum total of the prescribed duration of the two degrees that are being combined to make the single integrated course.

iv) As per the public notice on equivalency of degree issued by the Secretary, University Grants Commission in No.F.9-3/2016 (CPP-II), dated 19.07.2016, equivalence of a degree in case of employment is decided by the employment organization.

v) Writ court has failed to consider the fact that since the duration of the integrated degree course of the respondent/petitioner is less than the total period of the two degrees that are combined and the equivalence of the degree is decided by the employing organisation, TNUSRB had resolved to consider the five years integrated course of Bachelor of Technology in Electronics and Communication Engineering and Master of Technology in Communication Systems as a single degree of M.Tech in communication systems and thus accordingly, awarded one mark for this additional qualification.

vi) Writ court failed to consider the fact that on adding the extra one mark for additional qualification, the total marks of the respondent/petitioner will be raised to 55.4 marks from 54.4 which is less than the required cut off mark of 56.2 for OC women category and the respondent/petitioner is thus

ineligible to be provisionally selected.

vii) Writ court ought to have considered the fact that allowing such a candidate will not only lead to endless litigation but also will open a flood gate to other disqualified candidates with similar issues and they will also approach this Honourable Court, which will hamper the recruitment process.

viii) Writ court ought to have considered the fact that allowing a disqualified candidate to an appointment would set up a negative precedent and will affect the future selection process. The order of the Honourable Court in W.P.No.2476 of 2019 dated 25.07.2019 directing the appellant/respondent to select the respondent/petitioner as Sub-Inspector of Police (Technical) 2018 by awarding two additional marks by considering her five years integrated course of Bachelor of Technology in Electronics and Communication Engineering and Master of Technology in Communication Systems as equivalent to B.E. Degree in Electronics and Communication Engineering is not maintainable as there is no such provision to select her.

ix) TNUSRB had already published the provisional selection list as per notified vacancies on 13.12.2018 and selected candidates were issued with the appointment orders and are undergoing training which is scheduled to be completed on 31.08.2019.

10. Heard Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader and perused the materials available on record.

11. Fact that B.Tech (Electronics and Communication Engineering) and M.Tech (Communication Systems) are recognised by AICTE and UGC, is not disputed. The University in which the writ petitioner secured her degree is also a deemed University, recognized by UGC. As per clause 21, three marks will be awarded to B.E. or B.Tech Degree in Computer Science or I.T. - 4 years, and two marks for M.E. or M.Tech Degree in Computer Science - 2 years. Writ petitioner has secured 54.40 marks in the written examination and viva-voce. The degree secured by the writ petitioner does not lose its value when compared to B.E. degree. Though the writ petitioner has Master's degree but an integrated course of five years, it cannot be denied that it has no value addition to her qualification. As per clause 21, when 3 marks can be awarded to a candidate with a B.E./B.Tech - 4 years course, with an addition of 2 marks, if the candidate possess a M.E./M.Tech - 2 years course, appellants have been directed to award only 2

marks, which cannot be said to be manifestly wrong.

12. The grounds raised by the appellants that the degree obtained by the writ petitioner is construed as one of M.Tech and hence, she was granted one mark, cannot be countenanced. Writ court has extensively dealt with the matter and arrived at a just conclusion. We do not find any error or illegality in the order of the writ court calling for any interference and thus the writ appeal deserves to be dismissed.

13. Accordingly, writ appeal is dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Asr

To

1. The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Egmore, Chennai - 600 008.
2. The Inspector of General of Police,
(Technical Services)
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

+1cc to the Government Pleader SR.80201

W.A.No.3157 of 2019
and CMP Nos.19948 & 19950 of 2019

SSD(CO)
CB(27/11/2019)

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