

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019
CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34362 of 2019
and
W.M.P.Nos.35031 & 35032 of 2019

Dr.P.M.Ponnusamy,
S/o.A.Mahali Nadar

... Petitioner

-Vs-

- 1.The Principal Secretary to
Government of Tamil Nadu
Higher Education Department
Fort St.George, Chennai-600 009.
 - 2.Tamil Nadu State Council for Higher Education (TANSHE)
Equivalence Committee
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005.
 - 3.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town, VOC Nagar,
Chennai-600 003.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to impugned G.O.(MS) No.49 dated 08.03.2019 of the 1st respondent and quash the same.

For Petitioner : Mr.D.R.Arun Kumar
For Respondents: Mr.V.Kadhirvel
Special Government Pleader for R1 & R2
Mr.M.Devandran, For R3
Standing Counsel-TNPSC

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O R D E R

This writ petition has been filed challenging the Government Order in G.O.(Ms).No.49 dated 08.03.2019 that was issued by the first respondent. The main issue that is involved in the present writ petition is as to whether the M.Sc.,(Material Science) is equivalent to M.Sc.,(Physics).

2.It is seen from records that as per G.O.(Ms).No.80 dated 06.02.1996, M.Sc.,(Material Science) was treated as equivalent to M.Sc.,(Physics). In the same manner, under G.O.(Ms).244, dated 05.12.2016, the M.Sc.,(Material Science) was found to be equivalent to M.Sc.,(Physics). This position was accepted till 2001 and after 2003. Strangely, for the period between 2001 to 2003, G.O.(Ms).49 dated 08.03.2019 has been issued to the effect that M.Sc.,(Material Science) is not equivalent to M.Sc.,(Physics).

3.The petitioner, who had completed M.Sc.,(Material Science) from the PSG College of Technology, Coimbatore, between the period 2001 -2003 and he wanted to apply for Government employment with the Tamil Nadu Public Service Commission. However, he came to know that the course undergone by him is not treated as equivalent to M.Sc.(Physics) by virtue of the above Government Order. Therefore, he is not in a position to apply for the job. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned counsel appearing on behalf of the petitioner submitted that the Government Order, which is impugned declares that M.Sc.,(Material Science) is not equivalent to M.Sc.,(Physics), only for the period from 2001-2003. The learned counsel submitted that for the period prior to 2001 and for the period after 2003, M.Sc.,(Material Science) is considered to be equivalent to M.Sc.,(Physics). The learned counsel submitted that there is absolutely no basis for coming to such a conclusion.

5.The learned counsel further submitted that the Bharathiar University, Coimbatore, had issued an information under the Right To Information Act to the effect that two of the Professors, who were working in the University had completed only M.Sc.,(Material Science) during the period from 2002-2003 at PSG College of Technology, Coimbatore and their qualification was stated to be equal to M.Sc.,(Physics). The learned counsel therefore submitted that the impugned G.O., requires interference.

6. The learned counsel appearing on behalf of the respondents submitted that the committee after considering the entire syllabus for both the subjects has come to a conclusion that M.Sc.,(Material Science) is not equivalent to M.Sc.,(Physics) for the period from 2001-2003. The learned counsel submitted that such a decision that has been arrived at by the committee consisting of experts should not be interfered by this Court. The learned counsel further submitted that this writ petition has been filed by the writ petitioner on anticipation that his candidature will be rejected by the Tamil Nadu Public

Service Commission, if he applies for any selection and such apprehension cannot be a ground to entertain the writ petition. The learned counsel further submitted that the petitioner cannot be considered to be an aggrieved person and therefore, this writ petition is liable to be dismissed.

7.This Court has carefully considered the submissions made on either side and perused the materials available on record.

8.It is an admitted fact that the syllabus for M.Sc., (Material Science) and the syllabus for the M.Sc., (Physics) was considered and it was found to be equivalent and that is why there were two Government Orders, which clearly stated that M.Sc., (Material Science) is equivalent to M.Sc., (Physics). With the very same syllabus, it is too illogical to state that M.Sc., (Material Science) will not be equivalent to M.Sc., (Physics) only for the period from 2001-2003. This conclusion has absolutely no basis and it smacks of arbitrariness. In fact, two of the officers who were working at Bharathiar University had completed M.Sc., (Material Science) during the relevant time and it was considered to be equivalent to M.Sc., (Physics) and they have been appointed to the post of Assistant Professor of Physics.

9.This Court categorically finds that the impugned G.O., which has opined that M.Sc (Material Science) is not equivalent to M.Sc., (Physics) has absolutely no basis and it is arbitrary and it requires interference of this Court. The fact that the petitioner is not able to apply for the job, where the qualifications that is required is M.Sc., (Physics), is a cause of action for the petitioner to challenge the G.O. To that extent, the petitioner requires to be treated as an aggrieved person, who is not able to participate in the public employment since the course undergone by him i.e., M.Sc., (Material Science) is not considered to be equivalent to M.Sc., (Physics).

10.In the result, this writ petition is allowed and the impugned Government Order in G.O.(Ms.)No.49 dated 08.03.2019 is quashed, insofar as declaring that M.Sc., (Material Science) offered by PSG College of Technology, Coimbatore, affiliated to Bharathiar University, is not equivalent to M.Sc., (Physics) of Bharathiar University, Coimbatore. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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

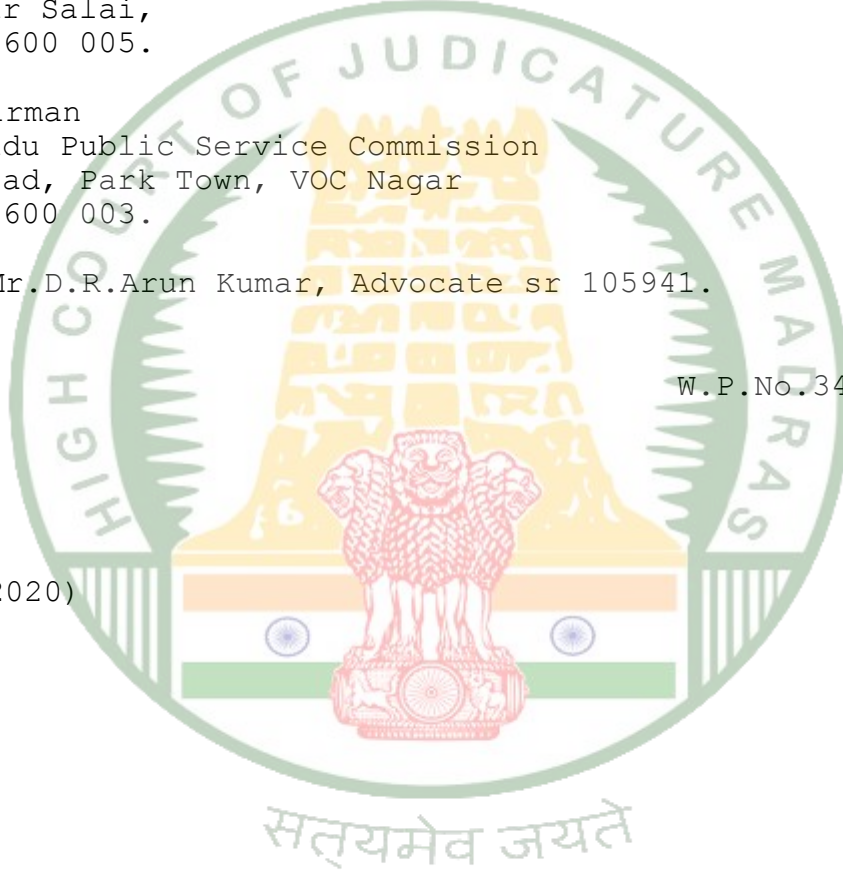
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Tamil Nadu Public Service Commission
TNPSC Road, Park Town, VOC Nagar
Chennai-600 003.

+1 CC to Mr.D.R.Arun Kumar, Advocate sr 105941.

W.P.No.34362 of 2019

VBA (CO)
SP (24/01/2020)



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