

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31989 of 2018

and

W.M.P.Nos. 37243 & 37244 of 2018

P.Suganya

... Petitioner

...Vs...

1.The Secretary to Government of Tamil Nadu,
Department of Personnel and
Administrative Reforms (R),
Secretariat, Chennai - 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Chennai - 600 003.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the 2nd respondent from insisting on the production of equivalence G.O that the subject "AGRICULTURAL AND IRRIGATION ENGINEERING COURSE" offered by the Anna University as equivalent to B.Tech., Agricultural Engineering or B.Sc., Agricultural Engineering Course or B.E., Agriculture Engineering based the notification in No.26/2017 dated 17.11.2017 issued for the post of Assistant Engineer and consequentially direct the respondents to keep one post vacant till the issuance of the G.O by the expert committee.

For Petitioner : Mrs.P.Mahalakshmi
for Mr.D.Parventhan

For Respondent 1 : Mr.D.Suryanarayanan,
Additional Government Pleader

For Respondent 2 : Mr.M.Loganathan,
Senior Counsel for TNPSC

O R D E R

The relief as such sought for in the present writ petition is for a direction to forbear the 2nd respondent from insisting on the production of equivalence G.O that the subject "AGRICULTURAL AND IRRIGATION ENGINEERING COURSE" offered by the Anna University as equivalent to B.Tech., Agricultural Engineering or B.Sc., Agricultural Engineering Course or B.E., Agriculture Engineering, based on the notification in No.26/2017 dated 17.11.2017, issued for the post of Assistant Engineer and consequently direct the respondents to keep one post vacant till the issuance of the G.O by the expert committee.

2. The High Court is not an expert body to grant equivalence on various degrees awarded by the various Universities across the Country. The rules and procedures are to be followed strictly for the purpose of grant of equivalence of degrees obtained from various Universities across the Country. As far as the Service Rules of Tamil Nadu is concerned, the Committee headed by the Chairman of Tamil Nadu Public Service Commission has to make for the purpose of grant of various equivalent degrees. In the event of submitting such representation, the same is to be considered by the Government and appropriate orders are to be issued, granting equivalent on various degrees awarded by the Universities across the Country. Thus, only in the event of grant of equivalent degree by the Government, the candidate is entitled to claim right to participate in the process of selection or recruitment to the Post of Assistant Engineer. Several degrees are granted by various Universities and number of degrees are available in various Colleges and Universities, however equivalence is to be granted by the expert Committee by scrutinizing and verifying the Rules prescribed and other aspects of the matter. Such an exercise can never be done in a writ proceedings under Article 226 of the Constitution of India.

3. The learned counsel for the writ petitioner states that a representation submitted by the writ petitioner is yet to be considered. A mere representation would not confer any right on the writ petitioner to claim equivalent or to forbear the respondents from insisting for a equivalence order and such a relief sought for, in the present writ petition itself is misconceived. Thus, only in the event of grant of equivalent degree by the Government, the writ petitioner is entitled to participate in the process of selection. Even in Paragraph No.5 of the affidavit filed in support of the writ petition, the qualifications prescribed for recruitment to the post of Assistant Engineer is enumerated and the same is extracted hereunder:

"5. It is submitted that for the post of

Agricultural Engineers the Educational Qualification is as follows:

Educational Qualification (as on 17.11.2017)
Applicants should possess the following or its equivalent qualification awarded by any University or Institution recognized by the University Grants Commission or the State Board as the case may be.
Qualification i) B.E. (Agriculture) or B.Tech (Agricultural Engineering) or B.Sc., (Agricultural Engineering) (or) ii) B.E.(Mechanical) (or) B.E. (Civil) (or) B.Tech (Automobile Engineering) or B.E. (Production Engineering) or B.E. (Industrial Engineering)

Provided that only if a sufficient applicants with qualification on item (i) is not available, the applicants in item (ii) will be considered.

Note:

i) The qualifications prescribed for these posts should have been obtained by passing the required qualification in the order of studies, viz., 10th + HSC or its equivalent + Bachelor's Degree + PG Degree as required under Section 25 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

ii) The qualifications considered equivalent are indicated in Annexure-I to this notification.

(iii) Applicants claiming equivalence of qualification should upload and submit evidence for equivalence of qualification in the form of G.O. Issued prior to the date of this notification when called for, failing which, their application will be summarily rejected. The G.Os issued regarding equivalence of prescribed qualification after the date of this notification will not be accepted."

4. As per the educational qualification prescribed in the recruitment notification, the writ petitioner is not eligible to participate in the process of selection as she was completed B.E., Degree Course in Agricultural and Irrigation Engineering, which is the subject not prescribed in the notification.

5. This being the factum of the case, it is for the writ petitioner to pursue the remedy, if any available, for the purpose of grant of equivalent degree. As of now, the writ petitioner has not qualified the subject prescribed in the notification and she has completed B.E., Degree Course in Agricultural and Irrigation Engineering, which is not issued by the expert Committee and therefore, the writ petition is devoid

of merits and stands dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Secretary to Government of Tamil Nadu,
Department of Personnel and
Administrative Reforms(R),
Secretariat, Chennai - 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Chennai - 600 003.

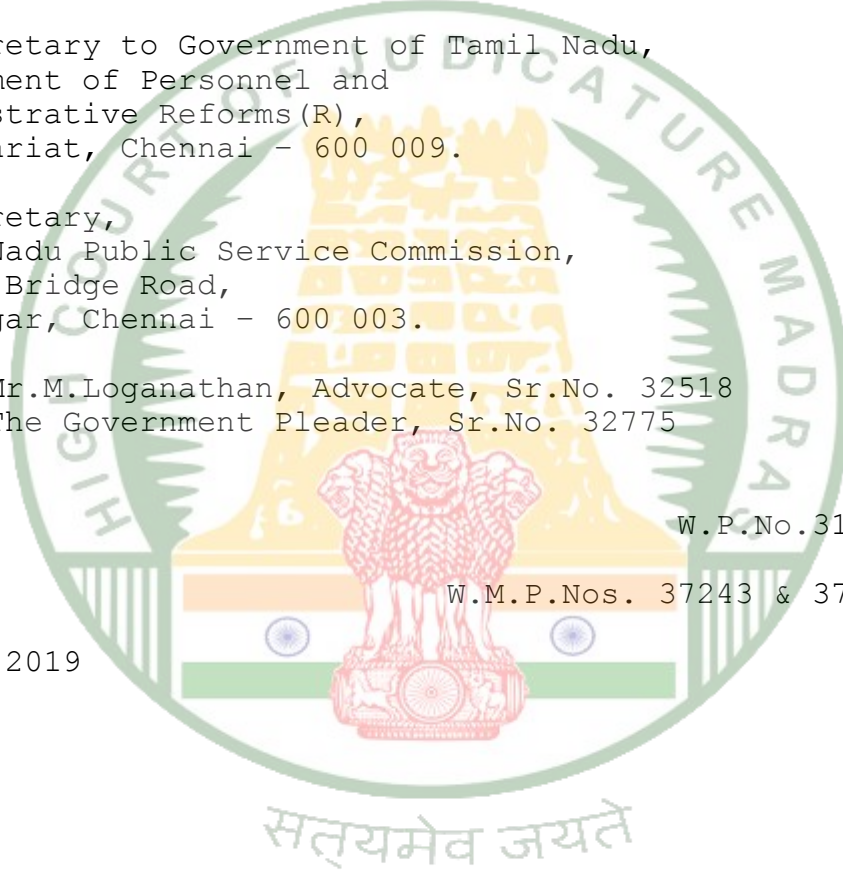
+1 cc to Mr.M.Loganathan, Advocate, Sr.No. 32518

+1 cc to The Government Pleader, Sr.No. 32775

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NA (CO)
CSL/10.05.2019



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