



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.12655 of 2019

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C.Anand

.. Petitioner

Vs.

- 1.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Compound, College Road, Chennai.
- 2.The State Rep. by
Secretary to Government,
Higher Education Department,
Chennai.
- 3.The State Rep. by
Secretary to Government,
School Education Department,
Chennai.
- 4.The Member Secretary,
Tamil Nadu State Council for Higher Education,
Lady Willington College Campus,
Kamarajar Salai, Triplicane, Chennai.
- 5.The Director of School Education,
DPI Campus,
17, College Road, 1000 Lights West,
Subharoa Avenue,
Nungambakkam, Chennai.
- 6.The Registrar,
Madurai Kamaraj University,
Madurai.

.. Respondents

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to issue an equivalence certificate to the effect that M.Sc., (Information Technology & Management) degree is equivalent to Master's Degree in Computer Science or Information Technology for the purpose of employment in direct recruitment for the post of Computer Instructors Grade - I (Post Graduate Cadre), called for by the first respondent, in Notification No.9 of 2019, dated



For Petitioner : Mr.A.Sivasubramanian
For R1 : Mr.VR.Shanmuganathan
For R2 to R5 : Mrs.S.Srimathy
Special Government Pleader
For R6 : Mr.Ragatheeshkumar
for M/s.Isaac Chambers

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ORDER

This Writ Petition has been filed seeking a direction to the respondents to issue an equivalence certificate to the effect that M.Sc., (Information Technology & Management) degree is equivalent to Master's Degree in Computer Science or Information Technology for the purpose of employment in direct recruitment for the post of Computer Instructors Grade - I (Post Graduate Cadre), called for by the first respondent, in Notification No.9 of 2019, dated 01.03.2019.

2.According to the petitioner, after completion of his under graduation in Computer Science, he joined M.Sc., (IT & M) and completed the same. The third respondent, vide G.O.(Ms)No.26, School Education (SE7-1) Department, dated 12.02.2019, has fixed the minimum qualification for recruitment as Education Teachers and Physical Education Teachers in Schools. Further, according to the petitioner, he is holding Post Graduate Degree in Computer along B.Ed. Degree and therefore, he is eligible for the post of Computer Instructors Grade - I (Post Graduate cadre). The first respondent, vide Advertisement No.9 of 2019, dated 01.03.2019, called for applications through online mode for direct recruitment of 814 posts of Computer Instructors Grade - I (Post Graduate cadre). In Paragraph No.4(b)(iii) of the said advertisement, one of the Educational qualifications prescribed for the said post is as follows:-

'Master's Degree in Computer Applications / Master's Degree in Computer Science or Information Technology from any recognised University or its equivalent.

and

B.Ed., / B.A. Ed.,/ B.Sc. Ed., by recognized University or its equivalent.'

3.According to the petitioner, in the above said prescribed educational qualification fixed by the authorities, M.Sc., (Information Technology and Management) was not included. Further, M.Sc., (Information Technology and Management) is equivalent to Master's Degree in Computer Science or Information Technology and unit wise syllabus are also one and the same. In such circumstances, the respondents are duty bound to accept the petitioner's degree on issuance of equivalency certificate. Immediately, on perusing the notification, the petitioner has

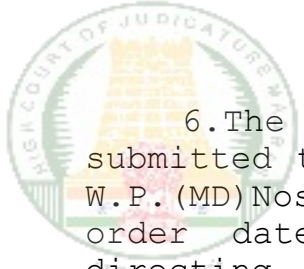


approached the sixth respondent University in person seeking to provide equivalency certificate for the purpose of applying to the said post, for which, the sixth respondent University did not give any reply and nearly 4000 persons have completed the above said degrees and certificates have also been issued by the sixth respondent. In spite of the said degree is equivalent, the degree-holders are deprived from applying to the said post. Further, the online application process was commenced on 20.03.2019 and the last date for submission of online application was 10.04.2019. The petitioner, having left with no other option, applied for the post through online, hoping that positively they would provide equivalency certificate for the said degree. In the meantime, few similarly placed persons approached this Court by way of filing Writ Petitions and this Court, vide order dated 10.04.2019, allowed the petitioners therein to apply for the said post within 12.04.2019 in person at Chennai Head Office of the first respondent. Similarly, few more students approached this Court and also obtained similar order. A final order was passed in the said writ petitions on 27.04.2019 and the relevant portion of the said order reads as follows:-

'6. Having regard to the submissions made on either side, the Equivalence Committee is directed to consider the claim of the petitioners and issue necessary certificates, if the petitioners are otherwise found eligible. Such an exercise shall be completed, within a period of four weeks from the date of receipt of a copy of this order. If the Equivalence Committee decides the claim of the petitioners in their favour, the selection process may go on. If the claim of the petitioners are rejected, they shall not claim any equity on those lines and the respondents shall proceed in accordance with law.'

4. The first respondent has announced the online test date as 23.06.2019 and immediately, after the online test, the results would be published. The first respondent, in his notification, has clearly mentioned that, if a candidate claims that the educational qualification in the subject possessed by the candidate is equivalent to, though not the same, as those prescribed for the appointment, the candidate has to produce the subject equivalence G.O. issued by the Government of Tamil Nadu at the time of Certificate Verification. Therefore, the petitioner has made a representation on 06.05.2019 to the respondents for issuance of equivalency certificate and the same is pending till date. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

5. The learned Standing Counsel appearing for the first respondent submitted that as per the notification, the petitioner did not possess the required educational qualification and he has not produced the equivalency certificate. If any equivalency certificate is issued by the Government, the Board will consider him in the selection process.



6.The learned counsel appearing for the sixth respondent submitted that the similarly placed persons filed Writ Petitions in W.P.(MD)Nos.9185 to 9242 of 2019 etc. batch and this Court, vide order dated 27.04.2019, disposed of the said Writ Petitions, directing the Equivalence Committee to consider the claim of the petitioners therein. Pursuant to the order passed by this Court in the above said Writ Petitions, the Government has constituted a committee and in respect of other subjects, the issue is still pending before the Committee.

7.At this juncture, the learned counsel appearing for the petitioner submitted that a similar relief may also be granted to the petitioner, by giving appropriate direction to the Board to forward the proposal to the Government, for referring the issue to the Equivalence Committee, for issuance of equivalency certificate under the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

8.The learned counsel appearing for the respondents as well as the learned Special Government Pleader may not have any serious objection for placing the matter before the Equivalence Committee.

9.In such view of the matter, this Court is inclined to direct the first respondent to forward the petitioner's representation dated 06.05.2019 to the Government within a period of one week from the date of receipt of a copy of this order and thereafter, the Government shall forward the same to the Equivalence Committee to decide the equivalency of the petitioner's subjects. The said exercise shall be completed by the second respondent within a period of six weeks from the date of receipt of a copy of this order. Ultimately, if the petitioner's claim is considered by the Government, he shall be considered for the selection to the post of Computer Instructors Grade - I (Post Graduate cadre) in the light of the decision of a Full Bench of this Court in the case of **Nadar Thanga Shuba Laxman.A Vs. The State of Tamil Nadu and another** reported in **2014 (2) LW 881**. It is made clear that if the claim of the petitioner is rejected, he shall not claim any equity on those lines and the respondents shall proceed in accordance with law.

10.With the above observation and directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS-)



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Madurai.

+1 CC to M/s.ISAAC CHAMBERS, Advocate
(SR-68075[F] dated 12/06/2019)

+1 CC to M/s.SPL GP (SR-68508[F] dated 13/06/2019)

W.P. (MD) No.12655 of 2019
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ES/27.06.2019/5P/9C