



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

| Date of Reserving the Judgment | Date of Pronouncing the Judgment |
|--------------------------------|----------------------------------|
| 06.11.2019                     | 18.11.2019                       |

**CORAM:**

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD) No.884 of 2019  
and  
C.M.P. (MD) Nos.7910 & 8137 of 2019**

The Commissioner  
Directorate of Technical Education  
53, Sardhar Patel Road  
Guindy, Chennai-600 025

... Appellant

-vs-

1.R.V.Rajavel

2.The Principal  
Virudhunagar S.Vellaichamy Nadar  
Polytechnic College, Virudhunagar-626 001

3.The Chairman  
Virudhunagar S.Vellaichamy Nadar  
Polytechnic College  
Virudhunagar-626 001

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 23.03.2018, passed in W.P.(MD) No.3831 of 2018, on the file of this Court.

Prayer in WP(MD). 3831/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter No.28948/C1/2015 dated 18.12.2017 and quash the same and direct the 1st respondent to approve the appointment of the petitioner for the post of lecturer in Mechanical Engineering and consequently to pay all monetary and service benefits to the petitioner.



For Appellant : Mr.K.Chellapandian  
Additional Advocate General  
Assisted by Mr.A.K.Baskarapandian  
Special Government Pleader

For Respondents : Mr.K.V.Subramanian, Senior Counsel  
for Mr.P.Thirumahilmaran for R1  
Mr.M.R.Sreenivasan for R2 & R3

**J U D G M E N T**

**T.S.SIVAGNANAM, J.,**

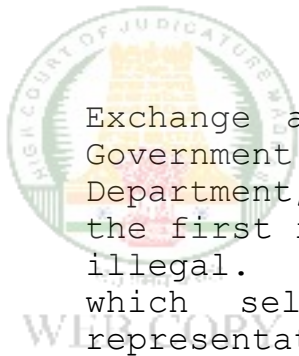
The Commissioner, Directorate of Technical Education, who is the first respondent in W.P.(MD) No.3831 of 2018, is the appellant in this writ appeal questioning the correctness of the order and direction issued in the said writ petition, vide order dated, 23.03.2018.

2. The first respondent before us is the writ petitioner, who sought for issuance of a writ of certiorarified mandamus to quash the proceedings of the appellant, dated 18.12.2017 and consequently, to approve his appointment as Lecturer in Mechanical Engineering Department in the second respondent Instituteion and grant all monetary and service benefits.

3. The appellant, by the proceedings dated 18.12.2017 (impugned in the writ petition) informed the second respondent Institution that the first respondent is a B.E. Automobile Technology Graduate and the qualification obtained by him cannot be considered equivalent to B.E.Mechanical Engineering offered in Anna University and therefore, not eligible to be a Faculty in the Mechanical Engineering Department.

4. The appellant referred to the opinion given by the Director, Centre for Academic Courses, dated 27.11.2017. In the said communication, it was stated that B.Tech. (Automobile Technology) Degree awarded to the first respondent by Bharathidasan University, Tiruchirappalli, cannot be considered equivalent to B.E. (Mechanical Engineering) Degree offered in Anna University, Chennai. Further, it is stated that as per the norms of All India Council For Technical Education (in short, "AICTE"), B.Tech. (Automobile Technology) is not eligible under the Mechanical Engineering for faculty selection. But, the candidate is eligible in the Department of Automobile Engineering.

5. The first respondent contended that it is the appellant Department, which had granted permission to the second respondent Institution to fill-up the post of Lecturer in Mechanical Engineering Department by calling for names from the Employment

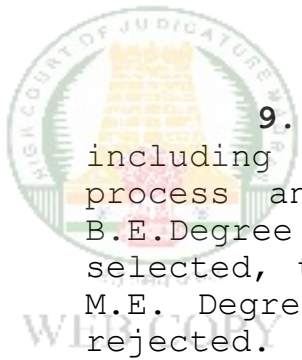


Exchange and constituted a selection committee by following the Government Order in G.O.(Ms.) No.111, Higher Education (C2) Department, dated 25.05.2010 and while so, to reject the approval of the first respondent's appointment that too without notice to him is illegal. Further, it was submitted that the selection committee, which selected the first respondent, was consisted of the representative nominated by the appellant as well as the member nominated by AICTE and they considered the qualification and other aspects possessed by the first respondent for appointment, selected and appointed him as Lecturer. Therefore, the appellant is estopped from rejecting the approval granted for first respondent's appointment.

6. The learned Writ Court accepted the case of the first respondent and held that the directions issued by AICTE need to be accepted and set aside the order passed by the appellant and issued consequential directions. Aggrieved by the same, the appellant is before us by way of this writ appeal.

7. Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader for the appellant, submitted that in terms of G.O.(Ms.) No.111, Higher Education (C2) Department, dated 25.05.2010, the Government, while revising the scales of pay, allowances etc., to the teachers and equivalent cadres in Government / Government Aided Colleges governed by University Grants Commission, issued orders notifying, among other things, the minimum qualification and experience for appointment of teaching posts in Diploma Level Technical Institutions. Referring to Appendix-V to the said Government Order, it is submitted that the qualification for the post of Lecturer / Workshop Superintendent in Diploma Level Technical Institutions, for Engineering and Technology, is Bachelor's Degree in Engineering / Technology in the relevant branch with first class or equivalent. It is submitted that the said rule makes it mandatory that a candidate to be appointed to a teaching post in a Diploma Level Technical Institution has to possess a Bachelor's Degree in Engineering / Technology in the relevant branch and should have secured first class.

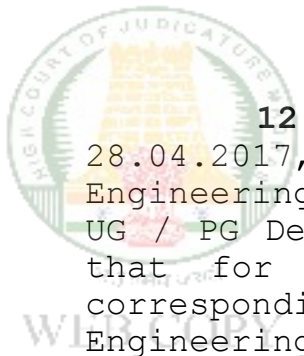
8. It is further submitted that the second respondent Institution advertised for selection to the post of Lecturer in Mechanical Engineering Department and unless the candidate does not possess B.E. / B.Tech. in Mechanical Engineering, he could not be appointed. It is further submitted that there is no provision in the rules that the holders of degree in Automobile Engineering can be considered for the post of Lecturer in Mechanical Engineering Department. Further, it is submitted that since B.Tech. (Automobile Technology) is not equivalent to B.E. (Mechanical Engineering), the appointment of the first respondent was rightly rejected.



9. It is further submitted that totally six candidates, including the first respondent, participated in the selection process and five other candidates, who were not selected, had B.E.Degree in Mechanical Engineering. But, the first respondent was selected, though he had B.Tech. Degree in Automobile Technology and M.E. Degree in Engineering Design and therefore, the approval was rejected.

10. It is further submitted that before passing the order of rejection, clarification was sought for from the Director, Centre for Academic Courses, Anna University (a renowned University for Technical Education), who clarified that B.Tech., in Automobile Technology awarded to the first respondent by Bharathidasan University cannot be considered equivalent to B.E. Mechanical Engineering offered in Anna University, Chennai. Further, it is submitted that as per the AICTE Notification, dated 22.01.2010, the qualification prescribed for the post of Lecturer is a Bachelor's Degree in Engineering / Technology in the relevant branch with first class or equivalent. Further, it is submitted that the grant of equivalence or revocation of equivalence is an administrative decision, which is the sole discretion of the Authority concerned and the Court will not interfere in such matters. In support of his contentions, the learned Additional Advocate General placed reliance upon the decision of the Honourable Supreme Court in case of **Basic Education Board, U.P. vs. Upendra Rai and others**, reported in **2008 (3) SCC 432**. Therefore, it is submitted that the order passed in the writ petition calls for interference.

11. Mr.K.V.Subramanian, learned Senior Counsel, assisted by Mr.P.Thirumahilmaran, learned counsel for the first respondent, submitted that the learned Writ Court had rightly allowed the writ petition taking note of the qualification prescribed for the post, which was notified for selection. It is contended that the arguments are two fold, namely, the order of rejection passed by the appellant lacks constitutional propriety and secondly, on merits. It is submitted that AICTE is the only Authority, which can stipulate norms for selection to the teaching posts in Technical Institutions and the second respondent Institution strictly followed the said norms and constituted a selection committee, to which AICTE had nominated a member by proceedings, dated 25.06.2015; the appellant had nominated a member by proceedings dated 03.07.2015 and the selection committee held meeting on 06.07.2015 to select the eligible candidate and by their minutes recorded had recommended the candidature of the first respondent for the post of Lecturer as he satisfied the required qualification and found suitable for the post. Thus, it is contended that the selection was made by the selection committee constituted as per AICTE norms and to now state that the first respondent does not possess the requisite qualification is wholly illegal.



**12.** It is further submitted that the notification, dated 28.04.2017, issued by AICTE clearly lists out the major branches of Engineering / Technology and their relevant / appropriate branch of UG / PG Degree in Engineering. The said regulation clearly states that for the Major Discipline of Mechanical Engineering, the corresponding course of Engineering / Technology is Automobile Engineering and the Post Graduate course is Mechanical Engineering and Automobile Engineering and other relevant Post Graduate Degree courses. It is therefore submitted that the crucial aspect is what would be the relevant / appropriate course and it is not whether two courses are equivalent or not as the rule as notified by the Government in G.O.(Ms.) No.111, Higher Education (C2) Department, dated 25.05.2010, does not state it should be equivalent, but uses the word "qualification" in the relevant branch. Further, it is submitted that the opinion of the Director, Centre for Academic Courses, Anna University, cannot have any impact as the selection has been done in accordance with the regulations of AICTE.

**13.** Further, it is submitted that the order impugned in the writ petition is on account of a complaint sent by one P.N.Sankar, dated 01.05.2017, much after the selection and appointment of the first respondent. Further, it is submitted that the notification issued by the second respondent Institution cannot be interpreted by the Anna University and even going by the opinion of the Director, Centre for Academic Courses, Anna University, the reference made therein is with regard to the equivalence of two qualifications, but as per the rule, it is relevancy and not equivalence.

**14.** To stress supremacy of the notification issued by AICTE, reliance was placed on the decision of the Honourable Supreme Court in the case of **Parshvanath Charitable Trust vs. All India Council For Technical Education**, reported in (2013) 3 SCC 385. That apart, to explain the meaning of "Relevant" and "Equivalent", the learned Senior Counsel for the first respondent referred to the Law Lexicon and Legal Thesaurus.

**15.** We have also heard Mr.M.R.Sreenivasan, learned counsel for the respondents 2 and 3.

**16.** The short point, which falls for consideration in this writ appeal, is as to whether the appellant was right in refusing to approve the first respondent's appointment as Lecturer in Mechanical Engineering Department in the second respondent Institution, which is a Polytechnic College. The qualification requires to be possessed by the candidate as notified by the Government of Tamil Nadu in G.O.(Ms.) No.111, Higher Education (C2) Department, dated 25.05.2010, is a Bachelor's Degree in Engineering / Technology in the relevant branch with first class or equivalent. The first respondent secured B.Tech. Degree in Automobile Technology during 2009 and Degree of Master of Engineering in Engineering Design



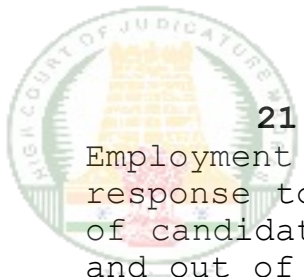
during 2012 and passed in first class. The second respondent Institution issued a public notification in the dailies calling for applications for selection of Lecturer in Mechanical Engineering Department. The qualification, as prescribed in G.O.(Ms.) No.111, Higher Education Department, dated 25.05.2010, was mentioned in the notification. To be noted, the qualification notified by the second respondent is in tune with the norms prescribed by AICTE. The selection process has to be conducted as per the regulations issued by AICTE.

17. The legal position on the supremacy of the notification / regulation of AICTE has been settled in various decisions and the earliest of them being ***State of Tamil Nadu vs. Adhiyaman Educational and Research Institute***, reported in (1995) 4 SCC 104, wherein it was held that AICTE is a specialised body constituted for the purpose of bringing uniformity in technical education all over the country.

18. In ***Jaya Gokul Educational Trust vs. Commissioner of Secretary to Government, Higher Education Department***, reported in (2000) 5 SCC 231, it was held that the University could not impose any conditions inconsistent with the AICTE Act or its Regulations or the conditions imposed by AICTE.

19. Further, in the case of ***Parshvanath Charitable Trust*** (supra), it has been held that the regulations framed by AICTE have the force of law and are binding on all concerned.

20. As could be seen from the order impugned in the writ petition, the complaint sent by one P.N.Sankar appears to have been the catalyst, which ultimately, led to the order of rejection passed by the appellant, dated 18.12.2017. The appellant cannot deny the fact that the second respondent Institution had followed the norms prescribed by the Government and the AICTE, the constitutional selection committee, were in accordance with the AICTE regulations. Equally, the appellant cannot dispute the fact that the AICTE had nominated its member Dr.N.Jawahar, Professor and Dean, Department of Mechanical Engineering, to be the regional committee member to serve in the staff selection committee for recruitment to the post of Lecturer in Mechanical Engineering in the second respondent Institution. The appellant had nominated Mr.M.Isakkimuthu from Bharathiyar Centenary Memorial Government Women's Polytechnic, Ettayapuram, as its nominee in the selection committee. Apart from the two nominees, one by the AICTE and the another one by the appellant, there were four other members, namely, the Chairman of the Governing Council of the second respondent Institution, Principal incharge of the second respondent Institution and a Lecturer of the second respondent College being a representative under the category reserved for scheduled caste community.



**21.** The total number of candidates sponsored by the Employment Exchange was five, the number of applications received in response to the paper publication was thirteen and the total number of candidates eligible to be called for the interview was seventeen and out of seventeen candidates, six candidates, including the first respondent, appeared for interview to fill-up one post of Lecturer in Mechanical Engineering Department. The selection committee, on 06.07.2015, unanimously resolved to recommend the candidature of the first respondent as he satisfied the required qualification and found suitable to the said post. On being appointed, the second respondent Institution sent a proposal to the appellant on 13.07.2015 for grant of approval and ever since the first respondent has been working in the college and after nearly 2 ½ years, the appellant passed the order, dated 18.12.2017, rejecting the approval stating that the qualification possessed by the first respondent is not equivalence to B.E.Mechanical engineering offered by Anna University and therefore, he cannot be appointed as Lecturer in Mechanical Engineering Department. The decision taken by the appellant was not of its own volition, but based on an opinion rendered by the Director, Centre for Academic Courses, Anna University. It is no doubt true that the Anna University is a premium University in the country offering quality technical education. However, the question is whether the opinion of the Director of Centre for Academic Courses of the said University could be a basis to reject the case of the first respondent. Even going by the letter of the Director, what has been considered is equivalence of both Degrees, which is not the issue insofar as the first respondent is concerned. This is more so, because the rules only prescribe that the candidate should have pursued Engineering / Technology in the relevant branch. Therefore, relevancy of the branch of study alone is to be seen. It was argued by the learned Additional Advocate General that five candidates with B.E.Mechanical Engineering appeared for interview, but, none of them were selected. The appellant will not be justified in casting aspersions on the selection committee, because the selection committee consists of one of its nominees. Apart from that, there is also a nominee of AICTE. This duly constituted selection committee was satisfied with the first respondent possessed prescribed qualification. The appellant cannot take a decision contrary to the decision of the selection committee vis-a-vis the qualification of the candidate, that too based upon an opinion rendered by the Director, Centre for Academic Courses, Anna University.

**22.** Now, the question is whether the first respondent possessed Bachelor's Degree in Engineering / Technology in the relevant branch. To answer this question, we need to refer to the AICTE notification, dated 28.04.2017. The said notification is called All India Council for Technical Education (Major / Core Branch of Engineering Technology and their relevant / appropriate courses leading to degree in Engineering / Technology), 2017 for



recruitment to teaching positions. The said regulation applies to the Technical Institutions conducting technical education and such other courses / programs and areas notified by the Council from time to time. They have come into force from the date of its publication in the official gazette.

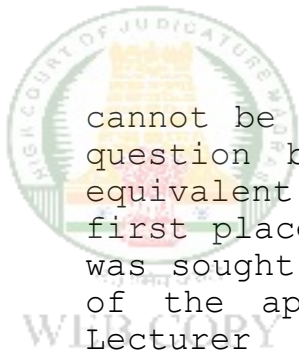
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23. The relevant clauses in the regulation are as hereunder:

| <i>Major Disciplines of Engineering / Technology</i> | <i>Corresponding Course(s) of Engineering / Technology</i> | <i>Relevant / Appropriate nomenclature of UG degree in Engineering / Technology</i> | <i>Relevant / Appropriate nomenclature of PG degree in Engineering / Technology</i> |
|------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <i>Mechanical Engineering</i>                        | <i>Automobile Engineering</i>                              | <i>Automobile Engineering</i>                                                       | <i>Computational Mechanics (Mechanical Engineering)</i>                             |

24. The regulation clearly states that appropriate decision on relevant qualifying degrees suitable for recruitment to teaching positions especially keeping in view interdisciplinary nature of emerging technologies should be taken. In terms of the regulation, a course in Automobile Engineering is a relevant / appropriate branch with regard to the Major Discipline of Engineering / Technology. This notification, dated 28.04.2017, has been issued by AICTE empowering the Board of Governors of the concerned Institution and the duly constituted selection committee to examine the suitability of the candidates by taking note of the relevant / appropriate courses. The object behind issuing such notification was keeping in view interdisciplinary nature of emerging technologies. Therefore, the order of rejection passed by the appellant stating that both Degrees are not equivalent is unsustainable. The appellant is not called upon to decide equivalence of both courses as there is no such stipulation in the relevant rules as notified by the State Government, which is in tune with the AICTE regulation. Undoubtedly, "Relevant" is not synonymous to "Equivalent" and both are two different aspects. That apart, the Government of Tamil Nadu has taken a decision and notified that the equivalence of qualification cannot be decided by Universities, which award Degrees. It should be referred to the equivalence committee constituted by the Government.

25. Furthermore, the opinion rendered by the Director of Centre for Academic Courses certifies that B.Tech. (Automobile Technology) Degree awarded to the first respondent by Bharathidasan University, Tiruchirappalli, cannot be considered equivalent to B.E. (Mechanical Engineering) offered in Anna University, Chennai. Therefore, at best, the opinion can be that the two courses offered by the two different Universities are not equivalent and the opinion



cannot be used or referred to for any other purpose. However, the question before the appellant was not whether both courses are equivalent or not. Therefore, the appellant could not have in the first place sought for opinion from Anna University and even, if it was sought for the same could not have been the basis for rejection of the approval of the appointment of the first respondent as Lecturer in Mechanical Engineering Department in the second respondent Institution.

**26.** For all the above reasons, we are of the considered view that the appellant has not made out any case for interfering with the order and direction issued in the writ petition.

**27.** In the result, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

krk

To  
The Commissioner  
Directorate of Technical Education  
53, Sardhar Patel Road  
Guindy, Chennai-600 025

+1 CC to M/s.P.THIRUMAHAILMARAN, Advocate ( SR-98958[F] dated 18/11/2019 )

+1 CC to M/s.GP ( SR-98999 & 99575[F] dated 18/11/2019 )

+1 CC to M/s.P. CHANDRA BOSE, Advocate ( SR-99886[F] dated 20/11/2019 )

**JUDGMENT**

**IN**

**W.A. (MD) No.884 of 2019**

**and**

**C.M.P. (MD) Nos.7910 & 8137 of 2019**

**18.11.2019**

JMN(22.11.2019) 9P : 5C