

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

DATED: 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P.(MD)No.2216 of 2014****and****M.P(MD)Nos.1 to 3 of 2014**

WEB COPY

G.Subramanian

... Petitioner

Vs.

1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Human Resources Development,
New Delhi.

2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai-600 009.

3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath maligai,
DPI Compound,
College Road,
Chennai-600 006.

4.The Director,
National Institute of Technology,
Trichy-620 015.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the list of marks awarded and eligibility of all candidates after certificate verification for the recruitment of Assistant Professor in Government Arts & Science Colleges-2012 dated 26.01.2014 and quash the same in so far as remarks contained in the item number 497 Roll No.1637482 stating that not equivalent subject and to direct the respondents to call for the Interview and issue Posting Order to the petitioner for the post of Assistant Professor in Government Arts & Science Colleges for the year 2012 treating M.Sc applied Physics and M.Sc Physics are equivalent subjects.

For Petitioner : Mr.K.Vedivelu
for M/s.Victory Associates

For R1 : Mr.P.Dharmaraj,
Senior Panel Central Government Counsel
For R2 : Mrs.S.Srimathy,
Special Government Pleader



For R3

: Mr.VR.Shanmuganathan
Special Government Pleader

For R4

: No appearance

ORDER

The present writ petition is filed to quash the list of marks awarded and the eligibility of all the candidates after certificate verification for recruitment to the post of Assistant Professor in Government Arts & Science Colleges-2012, dated 26.01.2014

2. The writ petitioner participated in the process of selection for appointment to the post of Assistant Professor in Government Arts and Science College. The writ petitioner possessed the educational qualification of M.Sc applied Physics studied in National Institute of Technology. On account of the fact that no equivalence was granted at the time of conducting the certificate verifications, marks were not awarded to the writ petitioner and consequently he became unsuccessful in the process of selection. Accordingly, the writ petitioner is constrained to move the present writ petition on the ground that M.Sc applied Physics studied from National Institute of Technology is equivalent to M.Sc Physics for the purpose of employment in public services.

3. Admittedly, at the time of issuance of recruitment notification, the Government has not granted any such equivalence of these two degrees namely M.Sc applied Physics and M.Sc Physics. However, during the pendency of the writ petition, recently the Government passed in G.O.Ms.No.37, Higher Education (J1) Department, dated 28.02.2019 granting such equivalence stating that M.Sc applied Physics degree awarded by the National Institute of Technology is equivalent to M.Sc Physics degree for the purpose of employment in public services. However, such an equivalence order passed by the Government cannot be applied retrospectively so as to unsettle the recruitment process already concluded during the year 2012-2013. However, the degree possessed by the writ petitioner is now validated by issuing an order of equivalence by the Government. The writ petitioner is entitled to participate in the ensuing recruitment process, if any notified, as per the recruitment rules in force. The writ petitioner is at liberty to claim equivalence based on the G.O.Ms.No.37, dated 28.02.2019 in all future recruitment.

4. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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To

1. The Secretary to Government,
The Union of India,
Ministry of Human Resources Development,
New Delhi.

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

3. The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath maligai,
DPI Compound,
College Road,
Chennai-600 006.

+1 CC to Mr.A.S.MUJIBUR RAHMAN, Advocate (SR-82175[F] dated
19/08/2019)

+1 CC to Mr.P. DHARMARAJ, Advocate (SR-82290[F] dated 19/08/2019)

W.P. (MD) No.2216 of 2014
16.08.2019

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MK (28.08.2019) 3P 6C