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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.18477 of 2017
and
W.M.P(MD).Nos.14913, 14914 and 14915 of 2017

S.Shibi ... Petitioner

vs.

1. The State of Tamil Nadu,
   rep., by its Secretary,
   Higher Education (K2) Department,
   Fort St.George, Chennai-09.

2. The State of Tamil Nadu,
   rep., by its Secretary,
   Department of Social Welfare and
   Nutritious Meal Programme (SW1),
   Fort St.George, Chennai-09.

3. The Chairman,
   Teachers Recruitment Board,
   4th Floor, EVK Sampath Maaligai,
   DPI Compound, College Road,
   Chennai-600 006. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to appoint the petitioner as Post Graduate Assistant in Home Science in any one of the seven posts directed to be filled up vide Notification No.03/2017 dated 09.05.2017.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.M.Jeyakumar
Additional Government Pleader
(for R1 & R2)
Mr.V.R.Shanmuganathan (for R3)

O R D E R

The petitioner herein possess M.Sc Post Graduate decree in

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Foods and Nutritions from the University of Madras. The third respondent herein had issued a notification, dated 09.05.2017 to fill up 1663 posts for B.C. Assistants/Physical Education Directors Grade-I, in which, seven posts were alleged for the subject for Post Graduate Assistant in Home Science. The petitioner herein was provisionally selected for the said post and during the course of certificate verification, the petitioner's selection was kept in abeyance, calling upon the petitioner to produce the equivalence certificate of his qualification for Post Graduate decree in Home Science.

2.Pending the writ petition, the Government in G.O.Ms.No.65, Higher Education(K2) Department, dated 24.04.2019 had declared the Post Graduate decree in M.Sc Food and Nutritions awarded by the University of Madras is equivalent to M.Sc Home Science-Food and Nutrition.

3.The Hon'ble Full Bench of this Court in the case of ***A.Nadar Thanga Shubha Laxman Vs., State of Tamil Nadu*** reported in ***2014 (3) CTC 433*** has held that the equivalence certificate issued by the Government will have a retrospective operation relating to the date on which the candidate had obtained his decree. In the light of such a proposition, it can only be concluded that the petitioner herein now possesses a decree, namely, M.Sc in Food and Nutrition, which is equivalent to M.Sc Home Science Food and Nutritions for the purpose of the selection to the post of B.Sc Assistant in Home Science. As such, the respondents may not require further clarification in view of the equivalence order issued by the Government Order.

4.The learned Standing Counsel appearing for the respondents would submit that under the notification, dated 09.05.2017, vacancies are still available to the post of B.Sc.Assistant in Home Science. This Court, during the pendency of the present writ petition had also passed an interim order on 25.11.2019 stating that any appointment made during the pendency of the writ petition would be subject to the decision of this writ petition. In view of the same, it can be held that the petitioner would be entitled to be selected for the aforesaid post.

5.In the light of the above observations, the petitioner is granted liberty to approach the third respondent herein along with the copy of this order and a representation. On receipt of such representation, the third respondent herein shall proceed further on the petitioner's candidature in the selection process, in the light of the Government order, dated 24.04.2019 as well as the observations made in this order.

6.Accordingly, this Writ Petition stands disposed of. The third respondent shall endeavour to propose the petitioner's name

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for the purpose of issuance of appointment order, if he is otherwise qualified. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar(CS)

To

1. The Secretary,
   State of Tamil Nadu,
   Higher Education (K2) Department,
   Fort St.George, Chennai-09.

2. The Secretary,
   State of Tamil Nadu,
   Department of Social Welfare and
   Nutritious Meal Programme (SW1),
   Fort St.George, Chennai-09.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-105710[F] dated 18/12/2019)

RMK
TE : 06/01/2020 : 3P/4C

W.P.(MD) No.18477 of 2017
17.12.2019

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