

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 9157, 9158, 10559 & 10577 OF 2015
AND

M.P. NOS. 1 OF 2015 in WP.9157/15, MP.1/15
in WP.No.9158/15 MP.No.1/15 in WP.10577/15,
MP.No.1 & 2 of 2015 in WP.10559/2015

S.Dhanaraj .. Petitioner in WP 9157/2015

T.Selvakumar .. Petitioner in WP 9158/2015

- Vs -

1. The Teachers Recruitment Board
rep. By its Member Secretary
4th Floor, EVK Sampath Maaligai
DPI compound, College Road
Chennai 600 006.

2. Periyar University
rep. By its Registrar
Periyar University Nagar
Salem - 11.

.. Respondents in both petitions
WP.9157,9158/15

Shobana Devi ... Petitioner in WP 10559/2015

- Vs -

1. The Member Secretary
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI compound, College Road
Chennai 600 006.

2. The Assistant Director
District Employment Office
Villupuram.

.. Respondents in WP 10559/15

P.Prema

.. Petitioner in WP 10577/2015

- Vs -

1. The State of Tamil Nadu
rep. By its Secretary
School Education Department
Fort St. George, Chennai 600 009.
2. The Teachers Recruitment Board
rep. By its Member Secretary
4th Floor, EVK Sampath Maaligai
DPI Compound, College Road
Chennai 600 006.
3. The Director of School Education
College Road, Chennai 600 006.
4. The District Employment Officer
Krishnagiri, Krishnagiri District. ... Respondents in WP
10577/15

W.P. Nos.9157 & 9158 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to treat the Degree B.Sc. (Information Science) is equivalent to degree B.Sc. (Computer Science) and appoint the petitioner in the post of Computer Instructor for Government Higher Secondary Schools under the control of Directorate of School Education, Chennai 600 006.

W.P. No.10559 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the Member Secretary, Teacher's Recruitment Board, Chennai 600 006, the 1st respondent herein to include the name of the petitioner in the provisional selection list of candidates of 'Computer Instructor' through employment registration State seniority 2014 and consequently direct the 1st respondent to issue an appointment order for the said post to the petitioner.

W.P. No.10577 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 2nd respondent to give an order of priority in 'Tamil Servant Category' with regard to provision of Employment Assistance to the petitioner in light of G.O. ms. No.188, Personnel & Administrative (Per.P) Reform Department dated 28.12.1976 towards the appointment of Computer Instructor post in Higher Secondary Schools based on certificate verification dated 2.3.2015.

For Petitioners: Mr. S.Parthasarathy
in WP 9157 & 9158/15
Mr. K.Balakrishnan in WP 10559/15
Mr. R.Sreedharan in WP 10577/15

For Respondents: Mr.C.Munusamy, Spl. GP for R-1
in WP No.9157 & 9158/15
Mr.P.Godson Swaminathan
for R2 in WP.Nos.9157 & 9158/15
Mr. C.Munusamy, Spl. GP for R-1
in WP 10559 and for R2 in
WP.10577/15
Mr. S.Suresh Kumar, GA, for RR-1,3 & 4
in WP 10577/15
Mr. S.Suresh Kumar, GA, for R-2
in WP 10559/15

COMMON ORDER

As the relief sought for in all the writ petitions are common in nature, they are disposed of by this common order.

2. It is the case of the petitioners that they are possessed of degree in Computer Science and they registered themselves with the respective employment exchange. The State Government decided to appoint computer instructors in Government Higher Secondary Schools. However, the petitioners were possessed of degree in B.Sc. (Information Science) though the qualification required was degree in B.Sc. (Computer Science). Therefore, the petitioners submitted a representation to the concerned respondent to treat B.Sc. (Information Science) as equivalent to B.Sc. (Computer Science) and also to include the name of the petitioners in the provisional list and appoint them, which was rejected by the respondents on flimsy reasons. Aggrieved by the said order, the present petitions have been filed.

3. When the matter is taken up for hearing, learned Special Government Pleader appearing for the respondents submitted that the issue raised in the present writ petitions were ultimately settled by the Hon'ble Apex Court in the decision in K.Gunavathi - Vs - V.Sangeeth Kumar & Ors. (C.A. No.3342 of 2014 - Dated 07.03.2014) and, therefore, it is submitted that this Court may close these writ petitions with a direction to the respondents to implement the orders of the Supreme Court and appoint the candidates, who satisfy the eligibility criteria, as mandated by the Hon'ble Apex Court.

4. Learned counsel appearing for the petitioners have fairly conceded with the abovesaid stand taken by the learned Special Government Pleader and submitted that such a direction may be passed.

5. In Gunavathi's case (supra), the Hon'ble Apex Court, while considering the appointment of persons without certain requisite qualifications, as a one time measure, on the basis of fixation of seniority in the employment exchange, held as under :-

"27. We accordingly allow these appeals and set aside directions (vi) and (vii) of Para 53 of the impugned order dated 18.09.2013 of the High Court and direct that recruitment to the 652 vacant posts shall be made on the basis of employment exchange seniority. We also make it clear that the above direction shall also govern the 175 existing vacancies covered by the order of this Court dated 19.11.2009 if the same continue to remain vacant as on date. To all other vacancies, existing or future, as may be, the State will be at liberty to follow such policy as may be in force or considered appropriate "

6. Insofar as the prayer relating to equivalence of B.Sc. (Information Science) with B.Sc. (Computer Science), it is to be pointed out that it is well settled principle that the equivalence is much left to the experts to decide and it is not within the realm of this court to adjudicate on equivalence and, therefore, the prayer of the petitioners for treating B.Sc. (Information Science) as equivalent to B.Sc. (Computer Science) cannot be acceded to.

6. In such view of the matter, while rejecting the prayer for granting equivalence, this Court is of the considered view that insofar as the other portion of the prayer is concerned, the same stands squarely covered by the decision of the Hon'ble Apex Court in Gunavathi's case (supra).

7. Accordingly, these writ petitions are closed directing the respondents to appoint the eligible persons as per the directions issued by the Hon'ble Apex Court in Gunavathi's case (supra) and any person, who is ineligible based on the decision of the Hon'ble Apex Court shall not be given appointment.

Consequently, connected miscellaneous petitions are closed.
There shall be no order as to costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

GLN

To

1. The Secretary
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Member Secretary
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Compound, College Road
Chennai 600 006.
3. The Director of School Education
College Road, Chennai 600 006.
4. The District Employment Officer
Krishnagiri, Krishnagiri District.
5. The Registrar
Periyar University
Periyar University Nagar
Salem - 11.
6. The Assistant Director
District Employment Office
Villupuram.

+2 ccs to Mr.S.Parathasarathy Advocate sr33781

+3 ccs to Government Pleader sr33853,33887 & 33888

W.P. NOS.9157, 9158,
10559 & 10577 OF 2015

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aa09/11/2020