

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HONOURABLE **MR.JUSTICE D. KRISHNAKUMAR**

Review Application(Writ).No.80 of 2017

in
W.P.No.31002 of 2013

K. Vaijayanthi

..Petitioner

Vs

1. The Teachers Recruitment Board,
Represented by its Member Secretary,
DPI Compound, College Road,
Nungambakkam, Chennai - 600 006.

2. Bharathidasan University,
Represented by its Registrar,
Palkalai Perur,
Thiruchirapalli-620 024.

... Respondents

Prayer:

Review Application filed under Section 114 and Order 47 Rule 1 & 2 of Civil Procedure Code to consider and review the order dated 15.09.2014 made in W.P.No.31002 of 2013 for the reasons raised herein and also for the reasons to be raised at the time of argument.

For Petitioner : Mr.P. Kannan

For Respondent-1 : Mrs.P. Kavitha,
Government Advocate

ORDER

This Review Application has been filed by the petitioner challenging the order passed by the first respondent/TRB, dated 03.09.2013, directing the first respondent to issue appointment order to the petitioner for the post of Lecturer in Physics with all attendant and consequential benefits.

2. The learned counsel appearing for the petitioner submitted that in the writ petition filed in W.P.No.31002 of 2013, this Court, after elaborately considering the submissions of the parties, held that the equivalence of a course has to be decided only by the Equivalence Committee and this Court cannot decide on the same. The learned counsel further submitted that the selection process is already over and all the candidates were appointed. The learned counsel further submitted that unless the concerned Expert Body declares that M.Sc., (Industrial Electronics) is equivalent to M.Sc., (Electronics) or M.Sc., (Physics) which is the prescribed educational qualification for the post of Lecturer in Physics, the petitioner cannot claim appointment to the post of Lecturer in Physics. Based on the aforesaid finding, the writ petition in W.P.No.31002 of 2013 was dismissed, by order dated 15.09.2014. Hence, the present Review Application is filed before this Court.

3. By contending that the University of Madras has given Equivalency of the M.Sc., (Industrial Electronics) which is equal to M.Sc., (Electronics) or M.Sc., (Physics), the petitioner has filed the present Review Application in the light of the aforesaid equivalency issued by the University of Madras. This Court directed the first respondent/TRB to call for the application for the post of Lecturer (Physics) in Government College and it is also stated that similarly placed persons like that of the petitioner with M.Sc., (Industrial Electronics) qualification were appointed as Lecturer in Physics by the Government.

4. According to the petitioner, similarly placed persons viz., (i) Mrs.Vennila, Assistant Professor, Department of Electronics, Government Arts College, Dharmapuri, (ii) Mr.B.Senthil, Assistant Professor, Department of Physics, Sethupathy Government Arts College, Ramnad were selected and appointed when they possess the same qualification like that of the petitioner. Therefore, the petitioner is also entitled for selection based on the notification of the year 2008.

5. Mrs.P. Kavitha, learned Government Advocate appearing for the first respondent submitted that the aforesaid person Mrs.Vennila, had applied for the post of Lecturer (Electronic Science) and therefore, the petitioner's qualification cannot be said to be equivalent to that of the

aforesaid person. She further submitted that as per the settled position of law and as per the Government Order, any equivalency in the course has to be decided based on the degree only by the Expert Body and based on the opinion of the Expert Body, thereafter, the Government has to pass appropriate orders for the issuance of equivalency certificate for the degree. It is an admitted fact that the Government has to decide equivalency of M.Sc., (Industrial Electronics) to the M.Sc., (Physics). In the absence of Government Order being passed, based on the equivalency issued by the University of Madras, the claim of the petitioner, could not be accepted and the same is liable to be rejected.

6. In view of the aforesaid facts and circumstances of the case, and that this Court already recorded that the entire selection process was over and all the candidates were also appointed and as there is no error apparent on the face of the record, the Review Application is dismissed. No costs.

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22.01.2020

Index:Yes/No
Speaking/Non Speaking Order:
msm

To

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Teachers Recruitment Board,
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Nungambakkam, Chennai - 600 006.
2. The Registrar,
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D.KRISHNAKUMAR, J.,

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