



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.1868 of 2020

WEB COPY

S.Subbulakshmi

... Petitioner

/vs./

The Member Secretary,
Tamilnadu State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent ie., the Member Secretary, Tamilnadu State Council for Higher Education, Chennai to pass appropriate orders on the petitioner's representation dated 23/10/2019 regarding issuance of equivalency certificate before 10/02/2020 as recommended by the Manonmaniam Sundaranar University, Tirunelveli dated 12/11/2019 so that she can apply for the post of Lecturer to the Teachers Recruitment Board in time.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.R.Sethuraman
Special Government Pleader

ORDER

This Writ Petition is filed to direct the respondent to pass appropriate orders on the petitioner's representation dated 23.10.2019 regarding issuance of equivalency certificate.

2.The petitioner had applied for the post of Lecturer in TRB Polytechnic Examination. The petitioner claims to have completed M.Tech (Computer & IT) from Manonmaniam Sundaranar University, Tirunelveli. Since the educational requirements for the post of Lecturer prescribed by Teacher Recruitment Board is M.E/M.Tech in Computer Science & Engineering, the petitioner had applied for equivalence certificate on 23.10.2019 before the respondent herein. Since the last date for sending the application for the post of Lecturer expires on 12.02.2020, the petitioner apprehends that such equivalence certificate may not be issued in time and therefore, she has filed the present writ petition.

3.The learned Special Government Pleader appearing for the
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respondent would submit that under Section 25 of the The Tamilnadu Government Servants (Conditions of Service) Act, 2016, the authority to issue an equivalency certificate would be the Government or the appointing authority with the approval of the Government and since the petitioner herein had made an application only to the Tamilnadu State Government for Higher Education, who is not the appointing authority, the present requisition cannot be considered.

4.It is seen that pursuant to the request made by the petitioner to the Registrar, Manonmaniam Sundaranar University, Tirunelveli, the requisition has been forwarded to the respondent herein on 12.11.2019 by the University, seeking for consideration of equivalency of the degrees of M.Tech (Computer & IT) with M.E/M.Tech in Computer Science & Engineering. Merely because, the petitioner had approached the respondent herein, who claims to be not the authority, it would not be appropriate to reject the petitioner's claim, particularly, in the light of the requisition made by the University to the respondent, based on the petitioner's representation.

5.Nevertheless, if the respondent is of the view that such request for grant of equivalency certificate should be issued only by the Government or by the appointing authority, it is always open to them to forward the same to the concerned authority, who is vested with the powers to grant equivalency certificate.

6.In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's requisition for grant of equivalency certificate among the post of M.Tech (Computer & IT) with M.E/M.Tech in Computer Science & Engineering, on its own merits and in accordance with law by forwarding forthwith the same to the concerned authorities, entitled to grant such equivalency certificate. Such an exercise for consideration for issuance of equivalency certificate shall be made on or before 10.02.2020. The petitioner is also granted liberty to submit a fresh representation along with a copy of this order seeking for equivalency certificate before the concerned authority.

7.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To:

The Member Secretary,
Tamilnadu State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.

+1 CC to M/s.S.VISVSLINGAM, Advocate (SR-3926[F] dated 30/01/2020)

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