

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 16.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.16466 of 2012

1.K.Anandhan

2.M.Mohamed Imran

... Petitioners

Vs.

1. State of Tamil Nadu
Rep. by its Secretary to
Government (School Education)
Fort St. George, Chennai - 600 009.

2. Director of School Education,
D.P.I. Campus
College Road, Chennai - 600 006.

3. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.R. Sampath Building,
College Road, Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to treat the petitioners qualification of M.Sc. Material Science & Technology of Pondicherry University as equivalent to M.Sc. Material Science of Anna University by referring the qualification of the petitioners namely M.Sc. Material Science Technology of the Puducherry University to the equivalence Committee constituted by the Government to decide whether the qualification of the petitioners namely M.Sc., Material Science Technology is equivalent to M.Sc., Material Science of Anna University and consider the petitioners as eligible for appointment for direct recruitment as P.G. Assistant and give them appointment as P.G. Assistant and all consequential benefits. [Prayer amended as per order dated 6.11.2012 in M.P.No.2 of 2012]

For Petitioner

: Mr.M.Gnanasekar

For Respondents 1 & 2

: Mr.S.Suresh Kumar

Government Advocate

For 3rd Respondent

: Mr.C.Munusamy
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the third respondent to treat the petitioners qualification of M.Sc. Material Science & Technology of Pondicherry University as equivalent to M.Sc. Material Science of Anna University by referring the qualification of the petitioners namely M.Sc. Material Science Technology of the Puducherry University to the equivalence Committee constituted by the Government to decide whether the qualification of the petitioners namely M.Sc., Material Science Technology is equivalent to M.Sc., Material Science of Anna University and consider the petitioners as eligible for appointment for direct recruitment as P.G. Assistant and give them appointment as P.G. Assistant and all consequential benefits.

2.These petitioners having the qualification of B.Sc. Physics studied M.Sc. Material Science & Technology in Pondicherry Engineering College during the year 2002-2005 and 2005-2007 respectively and thereafter, they secured the degree of B.Ed. and with that qualification, when application was called for from eligible candidates for the appointment to the post of P.G. Assistant, they also made application and after having processed the applications ultimately, the third respondent i.e., the Selection Authority has not selected the candidature of the petitioners and when the reason was sought for, it was revealed as if that the degree i.e., post graduate degree in Material Science and Technology from Pondicherry University is not equivalent to the Material Science degree awarded by the Anna University, Chennai.

3.In other words, the P.G. qualification i.e., Material Science awarded by the Anna University is treated as a relevant qualification for the purpose of appointment to the post of P.G. Assistant, whereas for the same post, the M.Sc. degree in Material Science and Technology obtained from Pondicherry University is not treated as an equivalent qualification and therefore, on that ground, the petitioners' candidature were rejected. Only in that context, this writ petition had been filed by these petitioners seeking indulgence of this Court to give a direction to refer the degree of the petitioners in post graduation i.e., Material Science and Technology subject, to the Equivalence Committee for evaluating the said degree of the Material Science so that the petitioners can get employment to the post of P.G. Assistant in the relevant subject.

4.Reiterating the aforesaid facts, Mr.M.Gnanasekar, learned counsel appearing for the petitioners would seek indulgence of this Court and to give a suitable direction to refer the matter to the Equivalence Committee at the earliest point of time.

5.Per contra, Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondents, on instruction, would submit that, unless the Equivalence Committee has come forward to declare the qualification of M.Sc. Material Science and Technology obtained by the petitioners from Pondicherry University as an equal degree of M.Sc. Material Science awarded by the Anna University, the said qualification which the petitioners are holding in post graduation cannot be treated as an equivalent qualification or relevant qualification for the purpose of considering the candidature for selection to the post of P.G. Assistant in the relevant subject.

6.Therefore, the learned Government Advocate would submit that, insofar as the present plea raised by the petitioners that, their degree have to be referred to the Equivalence Committee for getting a declaration of equivalence in this regard, no such request having been made by the petitioners, such a plea cannot be raised at this juncture, as the petitioners have to take steps to make a request for referring the matter to the Equivalence Committee, then only it can be referred to the Equivalence Committee for appropriate action.

7.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed on record.

8.As has been rightly pointed out by the learned Government Advocate appearing for the respondents, unless the qualification of the petitioners i.e., M.Sc. Material Science and Technology obtained from Pondicherry University is declared as an equivalent degree of M.Sc. Material Science awarded by the Anna University, which equivalence have already been accepted by the respondents, the candidatures of the petitioners cannot be accepted and therefore, the non acceptance of the candidatures of the petitioners for consideration for selection and appointment to the post of P.G. Assistant is justifiable.

9.At the same time, once a controversy has arisen as to a particular educational qualification whether it is equivalent or not to the qualification already been recognised and accepted by the Recruiting Agency, certainly that issue has to be resolved, resorting the matter to be referred to the Equivalence Committee constituted in this regard by the Government.

10. In that view of the matter, this Court is of the view that once such request is made by the petitioners to the third respondent, the third respondent can refer the matter to the Equivalence Committee through proper channel for resolving the issue and to declare the post graduate qualification of the petitioners obtained from the Pondicherry University as a equivalent qualification for employment purpose for the post of P.G. Assistant.

11. In view of the above, this Court is inclined to dispose of this writ petition with the following orders.

That the petitioners are at liberty to make a representation in detail requesting the respondents to refer the post graduate degree of the petitioners i.e., M.Sc. Material Science and Technology obtained from Pondicherry University to the Equivalence Committee constituted in this regard by the State Government to evaluate and declare the equivalence of the said degree on par with the M.Sc. degree on the same subject or relevant subject awarded by the Anna University, Chennai. Once such representation is made by the petitioners, the same shall be considered and referred by the respondents to the Equivalence Committee thereafter within a period of four weeks with a request that the Equivalence Committee after having evaluated the issue can declare the equivalence or otherwise of the degree of the petitioners within a reasonable time.

12. With these directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VII)

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Sub Assistant Registrar

Sgl

To

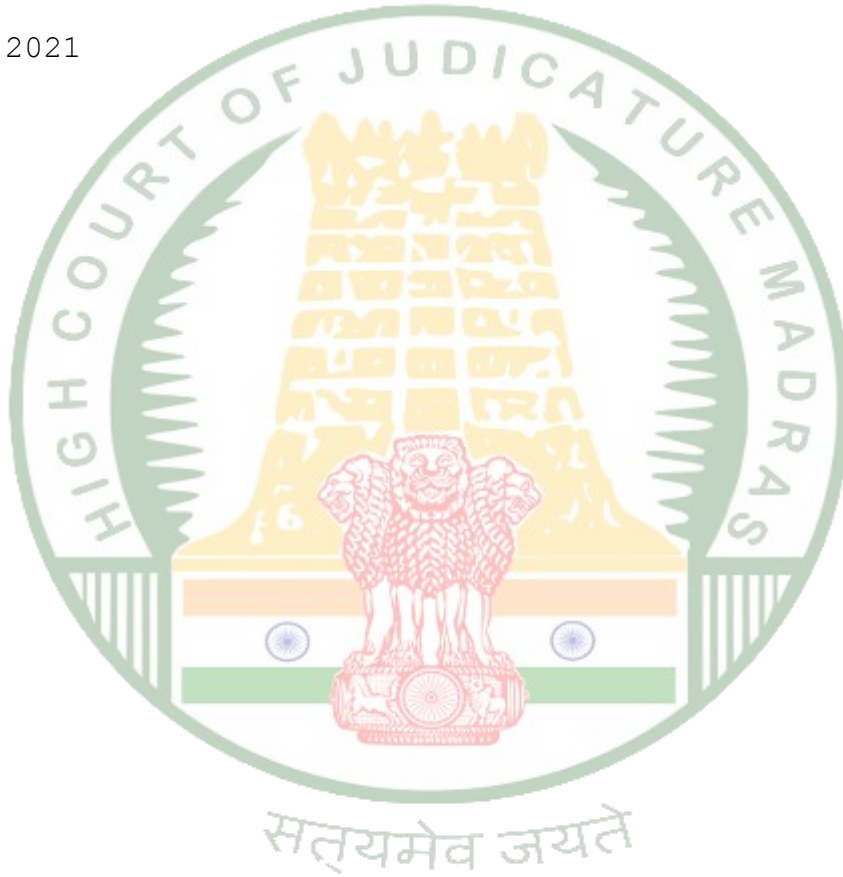
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+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.16635.
+1cc to the Government Pleader, S.R.No.17152.

W.P.No.16466 of 2012

PCH(CO)
CSR 08.04.2021



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