



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.03.2021

Delivered on : 29.04.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.20788 of 2013 and 8523 of 2014  
and

M.P.No.1 of 2014

P.Amutha

... Petitioner in  
both the Wps

Vs

1. The State of Tamilnadu rep., by its  
The Secretary to Government,  
Higher Secondary Education Department,  
Fort St. George,  
Chennai - 9.

2. The Tamilnadu Public Service Commission,  
Rep., by its Secretary,  
Frazer Bridge Road,  
V.O.C. Nagar, Park Town  
Chennai - 600 003.

3. The Bharathidasan University,  
Rep., by its Registrar,  
Palkalai Perur,  
Tiruchirapalli - 24.

... Respondents 1 to 3  
in both the WPs  
... 4<sup>th</sup> respondent  
in WP.No.20788/2013

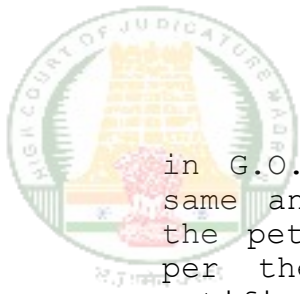
4.A.Renuka

(R4 impleaded as per the order of this Court  
dated 13.04.2015 in MP.No.1 of 2014)

Deputy Secretary,  
Tamilnadu Public Service Commission,  
Frazar Bridge Road,  
V.O.C. Nagar, Park Town,  
Chennai - 600 003.

... 4<sup>th</sup> Respondent  
in WP.No.8523/2014

WP.No.20788/2013: Petition filed under Article 226 of the  
Constitution of India, praying for issuance of a Writ of  
Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> and  
2<sup>nd</sup> respondents, culminating in the Order dated 21.03.2013 made



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in G.O.Ms.No.45 of the Higher Education Department, quash the same and consequently, direct the first respondent to appoint the petitioner to the post of District Educational Officer as per the vacancy notified by the second respondent in its notification dated 23.01.2009.

WP.No.8523/2014: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, call for the records of the fourth respondent, culminating in the Order dated 04.03.2014 made in Memorandum No:7902/OTD-C2/2008 and quash the same.

For Petitioner : Mr.R.Singaravelan, SC for  
Mr.S.Saravana Kumar

For Respondents : Mr.S.Karthika Balan (R1)  
Mr.V.Govardhanan (R2)  
in both and R4  
in WP.No.8523 of 2014  
M/s.Row & Reddy (R3)

#### COMMON ORDER

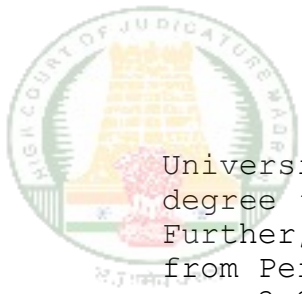
1. Since the issue involved herein and the parties to the writ petitions are one and the same, they have been heard together and are being decided by this common order.

2.1 The relief sought in WP.No.20788 of 2013 is to issue a writ of Certiorari Mandamus, calling for the records relating to the order of the first respondent in G.O.Ms.No.45, Higher Education Department, Dated 21.03.2013 and to quash the same and consequently, direct the first respondent to appoint the petitioner to the post of District Educational Officer as per the vacancy notified by the second respondent in its notification dated 23.01.2009.

2.2 Challenging the order dated 04.03.2014 passed by the fourth respondent, the petitioner has preferred W.P.No.8523 of 2014 before this Court.

3.The case of the petitioner in both these writ petitions, is as follows:

3.1 She belongs to Scheduled Caste Community hailing from Salem District and graduated in B.Sc. Physics from Namakkal Kavignar Ramalingam Government Arts College for Women at Namakkal in September 1993; she also studied M.Sc. Applied Physics (Instrumentation) in April 1996 in Nehru Memorial College, Puthanampatti in Trichy District. In addition to that, she obtained B.Ed. Degree in the year 1996 from Bharathidasan



University, Trichy as a concurrent course and also upgraded this degree with M.Ed. Degree from Annamalai University in May 1999. Further, she was conferred with M.Phil Degree in General Physics from Periyar University on 17.09.2010.

3.2 She appeared for the examination conducted by the Teachers Recruitment Board for the post of Block Resource Teacher / Educator under the Sarva Shiksha Abiyan Scheme and was appointed to the said post and she joined duty on 08.12.2003 at the Block Resource Centre, Gangavalli, Salem District. Subsequently, she was transferred to Pallipat, where she joined on 08.07.2006. Later, she was promoted as Post Graduate Assistant in Physics on 07.07.2008 and she joined duty on 09.07.2008 in the Government Higher Secondary School at Sorakayapet Post, Tiruvallur District and thereafter, she was transferred to the Government Higher Secondary School, Buchireddipalli in Tiruvallur District.

3.3 While so, the second respondent issued a notification in Advt.No.181 dated 23.01.2009, inviting applications for appointment to the post of District Educational Officer in the Tamil Nadu School Educational Services for the year 2008 in various subjects, by direct recruitment. Pursuant to the same, the petitioner applied to the said post in respect of Physics subject. According to the petitioner, she was fully qualified as per the norms prescribed by the second respondent. She also successfully cleared the written examination conducted on 03.05.2009. When the petitioner was awaiting for selection after attending the interview on 25.11.2009, she received a communication dated 18.12.2009 from the second respondent intimating that the result in respect of the petitioner has been withheld pending acceptance of equivalence of her M.Sc.Applied Physics (Instrumentation) degree obtained from the third respondent University.

3.4 Hence, the petitioner filed a writ petition in W.P.No.1543 of 2012 to quash the communication of the second respondent dated 18.12.2009 and for a consequential direction to appoint her as District Educational Officer. During the course of hearing the writ petition, on 04.12.2012, the counsel for TNPSC produced an order dated 02.08.2012 stating that the petitioner has been selected conditionally for appointment by direct recruitment to the post of District Educational Officer for the year 2008 subject to the acceptance of Equivalence of qualification. In view of the same, this Court held that the communication dated 18.12.2009 impugned therein, has become infructuous and hence, directed the first respondent to issue consequential letter of appointment within a period of four weeks. Despite the same, no order of appointment was issued, which compelled the petitioner to file a contempt petition in Cont.P.No.567 of 2013. On 19.04.2013, when the said contempt petition came up for consideration, the learned Special Government Pleader produced a decision of the Equivalence



Committee dated 04.01.2013 holding that the Educational Qualification obtained by the petitioner i.e., M.Sc.Applied Physics (Instrumentation) degree awarded by the third respondent University, is not equivalent to M.Sc.Physics Degree for the post of District Educational Officer, which decision was accepted by the Government by G.O.(Ms)No.45, Higher Education (K2) Department, Dated 21.03.2013, which is under challenge in WP.No.20788 of 2013.

3.5 Following the same, the second respondent passed an order dated 04.03.2014 in Memorandum No.7902/OTD-C2/2008 by which the petitioner's application for the post in question, was rejected and her provisional and conditional selection to the said post was also cancelled on the ground that the petitioner does not have the required educational qualification, which is impugned in WP.No.8523 of 2014.

4.On 29.07.2013, in MP.No.2 of 2013 in WP.No.20788 of 2013, this Court passed the following order:

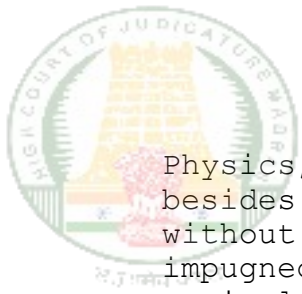
"Any appointment is subject to the result of the writ petition.

2.It is made clear that if any person is appointed in the post, the said person shall be notified that the writ petition is pending and his appointment is subject to the result of the writ petition.

3.With the aforesaid direction, this miscellaneous petition is disposed of."

5.Upon notice, the respondents 2 and 4 filed a separate counter affidavit in both the writ petitions, in which it is stated that the Equivalence Committee in its 38<sup>th</sup> meeting held on 04.01.2013 had decided that the educational qualification possessed by the candidate viz., M.Sc. Applied Physics - Instrumentation awarded by the Bharathidasan University was not equivalent to M.Sc Physics for the post of District Educational Officer in the Tamil Nadu School Educational Service; and hence, the Government in G.O.Ms.No.45 Higher Education (K2) Department, Dated 21.03.2013, issued orders accepting the said recommendation of the Equivalence Committee; consequently, the second respondent rejected the application of the petitioner for not possessing the required educational qualification, as a result of which, her provisional and conditional selection to the post of District Educational Officer was also cancelled. Thus, according to these respondents, there is no requirement to interfere with the orders impugned herein.

6.1 The learned senior counsel appearing for the petitioner has submitted that the petitioner is fully qualified for appointment to the post of District Educational Officer, as she obtained Post Graduate Degree in Applied Physics (Instrumentation), which is a special subject in the branch of

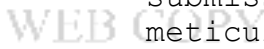


Physics, as per the norms fixed by the second respondent, besides having B.Ed degree. However, the respondents 1 and 2, without assigning any reason whatsoever, passed the orders impugned herein, after holding that M.Sc.Applied Physics is not equivalent to M.Sc.Physics for the purpose of granting appointment to the petitioner to the post of District Educational Officer, which orders are arbitrary, illegal and wholly unreasonable. It is his further submission that similar qualified persons i.e., M.Sc Applied Physics were appointed as PG Physics teacher and Lecturer and also District Educational officer and hence, the same benefit ought to have been extended to the petitioner as well. It is also submitted that when W.P.No.20788 of 2013 is pending consideration of this Court, it is not correct on the part of the second respondent / TNPSC to pass the consequential order impugned in W.P.No.8523 of 2014.

6.2 That apart, the learned senior counsel appearing for the petitioner has submitted that the petitioner was found the topper from amongst 400 participants, who had applied to the post of District Educational Officer and she belongs to the Scheduled Caste community. Adding further, he submitted that as per G.O.Ms.No.1622 dated 21.10.1988, the post graduate degree holders in the special branch of a subject shall be eligible to be appointed in the Higher Secondary Schools, in which the relevant subject is a general subject; and by G.O.Ms.No.423 dated 31.12.1992, the post graduate degree holders in M.Sc Applied Physics and M.Sc. Applied Chemistry be awarded by the Gandhi Gram Rural Institute, which is a deemed University to be eligible for appointment to the post for which a degree / post graduate is prescribed without specific reference to the subject. Whereas in the present case, the Government passed the impugned order only in respect of M.Sc Applied Physics as being not equivalent to M.Sc Physics contrary to earlier policy decision, which is discriminatory in nature and hence, the same is liable to be set aside.

7. Reiterating the averments made in the counter affidavit, the learned standing counsel appearing for the second respondent / TNPSC has made his submissions.

8.Placing reliance on the decision of the Supreme Court in Basic Education Board, UP v. Upendra Rai and others [(2008) 3 SCC 432 : (2008) 1 SCC (L&S) 771, the learned counsel for the first respondent submitted that the grant of equivalence and / or revocation of equivalence is an administrative decision, which is in the sole discretion of the authority concerned and the Court has nothing to do with such matters; the matter of equivalence is decided by experts appointed by the Government, and the court does not have expertise in such matters; and



9. This court has given its anxious consideration to the submissions made by all the parties and carefully and meticulously perused the materials available on record.

11.It is the specific contention of the learned senior counsel for the petitioner that the Government has passed orders in G.O.Ms.No.1622 dated 21.10.1988 ordering that the Post Graduate Degree holders in the special branch of a subject shall be eligible to be appointed in the Higher Secondary Schools, in which the relevant subject is a general subject and that apart, in G.O.Ms.No.423 dated 31.12.1992, it has been ordered that Post Graduate Degree Holders in M.Sc.Applied Physics and M.Sc.Applied Chemistry awarded by the Gandhi Gram Rural Institute, which is a deemed university, is eligible for appointment to the post for which a degree / post graduate is prescribed without specific reference to the subject and hence, the present stand taken by the Government is contrary to earlier policy decision. It is also submitted that similarly qualified persons like that of the petitioner were considered and were given appointment to the post of PG Assistant / Lecturer / District Educational Officer, whereas such benefit was not extended to the petitioner, which is arbitrary, illegal and discriminatory in nature.

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



authorities in passing the impugned orders. It is further submitted that the grant / revocation of equivalence is a policy decision of the Government and the same cannot be easily interfered with by the court.

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13. This Court, after hearing the submissions made by all the parties and upon perusal of the documents available on record, is of the view that proper application of mind in the issue, has not been done by the authorities and no reasons have been assigned whatsoever by the authorities in arriving at such conclusion that the degree of M.Sc Applied Physics obtained from the Bharathidasan University is not equivalent to M.Sc degree in Physics, for the purpose of appointment as District Educational Officer. The recording of reasons is necessary, which shows the mental exercise of authorities in arriving at a particular conclusion and it is one of the fundamentals of good administration. In *Alexander Machinery (Dudley) Ltd. v. Crabtree*, [1974(4) IRC 120 (NIRC)], it was observed that "failure to give reasons amounts to denial of justice; and reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at".

14. In this context, it would be relevant to quote the observation of the Supreme Court in *Uma Charan v. State of Madhya Pradesh and another*, [AIR 1981 SC 1915], which reads as under:

"Reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter for a decision whether it is purely administrative or quasi-judicial. They should reveal a rational nexus between the facts considered and the conclusions reached. Only in this way can opinions or decisions recorded be shown to be manifestly just and reasonable"

In *S.N. Mukherjee v. Union of India*, [AIR 1990 SC 1984], the Supreme Court has explained that 'reasons are necessary links between the facts and the findings recorded in the administrative orders, which visit a party with civil consequences. In absence of reasons such an order cannot be permitted to stand'. That apart, in *Raj Kishore Jha v. State of Bihar and others*, [(2003) 11 SCC 519], the Supreme Court has held that 'reasons are the heartbeat of every conclusion and without the same, it becomes lifeless'.

The Apex Court also in *Competition Commission of India v. Steel Authority of India Ltd. and another*, [JT 2010 (10) SC 26] in paragraph 68 referring to the judgment in the case of *Gurdial Singh Fijji v. State of Punjab* [(1979) 2 SCC 368] said:

"Reasons are the links between the materials on



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which certain conclusions are based and the actual conclusions. By practice adopted in all courts and by virtue of judge- made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and therefore, proper reasoning is foundation of a just and fair decision."

15. Further, this Court cannot lose its sight as regards the contention raised on the side of the petitioner that similar qualified persons were appointed as PG Assistants/ Lecturer / District Educational Officer and the degree obtained by the petitioner was earlier recognised by the Government. Therefore, a feeble argument made by the learned counsel for the respondents with regard to the decision taken by the respondents cannot be accepted and the issue involved herein requires proper consideration.

16. In such view of the matter, the impugned orders are set aside and the matter is remitted back to the authorities concerned for proper consideration and pass orders afresh in accordance with law and also taking into consideration the relief, if any, granted to the similarly placed persons having the same set of education qualification. Such an exercise shall be done, within a period of six weeks from the date of receipt of a copy of this order.

17. Both the writ petitions are disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

1. The Secretary to Government,  
Higher Secondary Education Department,  
Fort St. George,  
Chennai - 9.



2. The Secretary, Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
V.O.C. Nagar, Park Town  
Chennai - 600 003.

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3. The Registrar, Bharathidasan University,  
Palkalai Perur,  
Tiruchirapally - 24.

4. Deputy Secretary,  
Tamilnadu Public Service Commission,  
Frazar Bridge Road,  
V.O.C. Nagar, Park Town,  
Chennai - 600 003.

+2cc to Mr.V.Govardhanan, Advocate, S.R.No.26579

+1cc to Mr.S.Saravanakumar, Advocate, S.R.No.24945

W.P.Nos.20788 of 2013 and 8523 of 2014

SR-II(CO)  
CB(20/07/2021)