

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5047 of 2021
and W.M.P.No.5631 of 2021

K.Shalini

... Petitioner

-vs-

1. The Principal Secretary to Government
(Chairman of Equivalent Committee)
Higher Education Department,
Fort St.George, Chennai-600 009.
 2. The Member Secretary,
Tamil Nadu State Council for Higher Education,
Chennai-600 005.
 3. Teachers Recruitment Board,
Rep. by its Member Secretary,
DPI Campus, College Road,
Chennai-600 006.
- ... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the First Respondent as Head of the Equivalent Committee to declare M.C.A. Lateral entry as equivalent to M.Sc. Computer Science of Annamalai University and consequently, direct the Respondents to select and appoint the petitioner to the post of Computer Instructor Grade-I on the date when her junior was appointed with attendant benefits.

For Petitioner : Mr.K.H.Ravikumar
For M/s.Dakshayani Reddy

For R1 & R2 : Mr.S.Karthikeibalan
Govt. Advocate

For R3 : Mr.C.Munusamy
Spl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition seeking a direction to the first Respondent as Head of the Equivalent Committee to declare M.C.A. Lateral entry as equivalent to M.Sc. Computer Science of Annamalai University and

consequently, direct the Respondents to select and appoint the petitioner to the post of Computer Instructor Grade-I on the date when her junior was appointed with attendant benefits.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice for R1 & R2 and Mr.C.Munusamy, learned Special Government Pleader for R3. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, after completion of B.Sc. (Computer Science), she got admission in M.C.A. as lateral entry student and based on the notification of the 3rd respondent, calling for applications to the post of Computer Instructor Grade-I, she applied for the same and scored high marks in the examinations conducted by the 3rd respondent. It is the case of the petitioner that though she waited for appointment order, to the shock and surprise, it was informed to her that her order of appointment has been withheld on the ground that she studied her Master Degree by lateral entry. It is further case of the petitioner that MCA lateral entry programme of Bharathiyar University has been declared as equivalent to M.Sc. Computer Science for the purpose of employment in public service vide G.O.Ms.No.266 dated 29.11.2019 and therefore, she made a representation dated 05.01.2021 to the 1st respondent for consideration of her case favourably. Since the said representation did not evoke any response, she is before this Court.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioner dated 05.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner,

cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 05.01.2021 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
(Chairman of Equivalent Committee)
Higher Education Department,
Fort St.George, Chennai-600 009.
2. The Member Secretary,
Tamil Nadu State Council for Higher Education,
Chennai-600 005.
3. The Member Secretary,
Teachers' Recruitment Board,
DPI Campus, College Road,
Chennai-600 006.

+1cc to M/s.Dakashayani Reddy, Advocate SR.14083
+1cc to the Government Pleader SR.14172

W.P.No.5047 of 2021

MG(CO)
CB(19/03/2021)