

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6105 of 2021
and W.M.P.No.6727 of 2021

M.Kirubasankari

... Petitioner

-vs-

1. The Secretary,
Tamilnadu State Council for Higher Education,
Kamarajar Salai, Chennai-600 005.
2. The Registrar,
Mother Teresa Women's University,
Kodaikanal.
3. Teachers Recruitment Board,
College Road, Subba Road Avenue,
Nungambakkam, Chennai-600 006.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to issue the equivalence certificate for M.A.International Business Economics to M.A.Economics and admit the petitioner in the post of Post Graduate Assistant conducted by the 3rd Respondent for the year 2018-2019.

For Petitioner : M/s.M.Mary for M/s.G.Santhabai

For R1 : 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 1st and 2nd respondents to issue the equivalence certificate for M.A.International Business Economics to M.A.Economics and admit the petitioner in the post of Post Graduate Assistant conducted by the 3rd Respondent for the year 2018-2019.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice for R1 and Mr.C.Munusamy, learned Special Government Pleader for R3. Notice to R2 is dispensed with, as no adverse order is going to be passed against R2 in this case. By consent, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, she joined and completed M.A.International Business Economics in the 2nd Respondent University and secured 70% of marks. The petitioner, pursuant to the notification dated 12.06.2019 issued by R3, applied for the post of Post Graduate Assistant / Physical Education Directors Grade-I and she was called for certificate verification. It is the case of the petitioner that in the interview, since she was asked to produce the equivalent certificate of M.A.International Business Economics to M.A.Economics, she made a representation dated 07.01.2020 to the 1st Respondent for issuance of the said certificate and there was no reply from the 1st Respondent. Subsequently, she made yet another representation to the 2nd Respondent on 22.01.2020 with the very same request. It is the grievance of the petitioner that she, having scored 70% marks and been included in the provisional selection list of candidates published by R3, her name is withheld on account of non production of the equivalent certificate to be issued by the 1st Respondent. Hence, the petitioner, having left with no other remedy, is before this Court for a suitable direction.

4. It is seen that the petitioner appears to be meritorious and she is made to run from pillar to post for want of equivalent certificate, which is to be issued by the 1st Respondent, so as to enable both the petitioner and R3 to proceed further. It is pertinent to mention here that once a representation is received by the 1st respondent, it is the bounden duty of the 1st respondent to take a decision thereon in one way or the other without sleeping over it, as a life of a person is involved in his decision.

5. 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 take a decision on the issue whether the subjects in M.A.International Business Economics and M.A.Economics are equivalent, based on the representation of the petitioner dated 07.01.2020 and if it is found to be equal, the 1st respondent shall issue the equivalent certificate to the petitioner within a period of 60 days from the date of receipt of a copy of this

order, in order to enable the petitioner to be accommodated in the post of Post Graduate Assistant;

ii) Similarly, the 3rd Respondent is directed to consider and accommodate the petitioner to the post of Post Graduate Assistant, depending upon the certificate that may be issued by the 1st Respondent, provided, the petitioner, de hors the production of the certificate issued by R1, fulfills all other eligibility criteria and is found to be meritorious and suitable than other candidates, if any. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Secretary,
Tamilnadu State Council for Higher Education,
Kamarajar Salai, Chennai-600 005.
2. The Chairman,
Teachers Recruitment Board,
College Road, Subba Road Avenue,
Nungambakkam, Chennai-600 006.

+1 CC to Mr.V. Maragatham, Advocate sr 15898
+1 CC to The Government Pleader sr 15419.

W.P.No.6105 of 2021

VBM(CO)
SP(20/05/2021)

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