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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7810 of 2021

and

WMP.No.8337 of 2021

A.Maria Mallika,

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai -9.

2. The Research Officer,
Tamil Nadu State Council for Higher Education,
Kamarasar Salai,
Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner, dated 09.12.2019, and dispose of the same by issuing equivalence certificate for B.Sc., degree (Chemistry, Botany, Zoology), in Certificate No.201124649, issued by the Bangalore University as equivalent of B.Sc., Degree issued by the Universities, in Tamil Nadu, and pass orders.

For Petitioner : Mr.Father Xavier Arulraj,
Senior counsel for
M/s.Father Xavier Associates.

For Respondents : Mr.Karthikei Balan,
Government Advocate



ORDER

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2. Mr.Karthikei Balan, learned Government Advocate takes notice for Respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she has completed her B.Sc., degree in Jothi Nivas College (Autonomous) Bangalore in the year 2010. The Bangalore University had issued a Bachelor Science degree in subjects of Chemistry, Botany and Zoology and the petitioner was appointed in the sanctioned post as P.G. Assistant (Botany) in St.Theresa Girls' Higher Secondary School, Pallavaram, Chennai 600 043 w.e.f. 24.08.2018. Hence the petitioner sent a letter dated 02.03.2019 for evaluation of the B.Sc., (Chemistry, Botany, Zoology) degree that was obtained in Bangalore University, to the Finance Officer, Madras University. Thereafter she sent a letter dated 09.12.2019 with relevant documents to the second respondent requesting equivalence certificate of degrees for B.Sc., degree (Chemistry, Botany, Zoology) degree, certificate No.201124649 issued by the Bangalore University as equivalent to B.Sc., Botany degree issued by universities in the state of Tamil Nadu. G.O.(Ms) No.33, dated 15.02.2020 was issued by the first respondent wherein 27 degrees were granted from various universities/educational institutions equivalence of degrees. The evaluation of the petitioner's certificates was left out. Since there was no response, the petitioner has filed the present writ petition.

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 respondents and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 09.12.2019 if the petitioner is found to be eligible 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 90 days from the date of receipt of a copy of this order;

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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 respondents 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 09.12.2019 and this order, to the respondents forthwith;

v) The respondents are 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(CS IX)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai -9.
2. The Research Officer,
Tamil Nadu State Council for Higher Education,
Kamarasar Salai,
Chennai 600 005.

+1cc to Mr.Father Xavier Arulraj , Advocate, S.R.No.19900

W.P.No.7810 of 2021
and WMP.No.8337 of 2021

RK(CO)
CT(16/07/2021)