



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1011 of 2018

Dr.M.Dhanabalan

... Appellant/Petitioner

Vs.

- 1.The Madurai Kamaraj University,
Represented by the Registrar,
Madurai.
- 2.University Grants Commission,
Represented by its Chairman,
New Delhi.
- 3.K.Uma

... Respondent/Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.4171 of 2010, dated 25.11.2014.

Prayer in WP(MD). 4171/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned order in V/Asst.Prof./2010 dated 17-03-2010 on the file of the Respondent No.1 and quash the same as illegal and appoint the petitioner in the post of Assistant Professor of Commerce in the Department of Commerce in the Respondent Madurai Kamaraj University with all consequential benefits.

For Appellant	:	Mr.G.Karthick for M/s.T.Lajapathi Roy
For Respondent No.1	:	Mr.Ragathees for Issac Chamber
For Respondent No.2	:	Mr.B.Vijay Karthikeyan
Respondent No.3	:	Mr.R.R.Kannan

J U D G M E N T

(Judgment of the Court was delivered by T. S. SIVAGNANAM, J.)

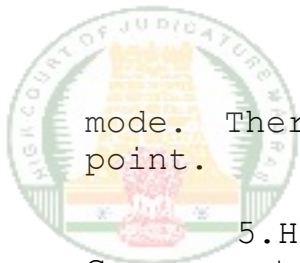
Heard Mr.G.Karthick, learned counsel for the appellant, Mr. Ragatheesh Kumar, learned Standing Counsel for the first respondent, Mr.B.Vijay Karthikeyan, learned Standing Counsel for the second respondent and Mr.R.R.Kannan, learned counsel for the third respondent.



2.The appellant is the Writ Petitioner, who prayed for a Writ of Certiorari, to quash the appointment order issued to the third respondent for the post of Assistant Professor (Commerce) in the Department of Commerce in the first respondent University. Though several grounds were raised in the Writ Petition, the appellant challenged her appointment mainly on two grounds stating that the third respondent possessed B.Sc., (Physics), which is not equivalent to B.Com./B.Com. (Computer Application)/ B.Com. (e Commerce). Secondly, M.Com. Degree was obtained by her through Correspondence Course. Therefore, the same cannot be taken in to consideration.

3.So far as M.Com. Degree is concerned, the learned Single Bench took note of the submission of the learned counsel for the respondent University that the M.Com. Degree obtained by the third respondent through the distance education after completing 10+2+3 is equivalent to M.Com. regular decree and as far as Master of Finance and Control (MFC) obtained by her is concerned, the same was held to be equivalent to M.Com. (Finance) Degree as per the meeting held in the Board of Studies in Finance Control, and Bank Management (UG/PG) on 02.12.2004 and the nomenclature M.F.C. has been changed as M.Com. (Finance) with effect from the academic year 2005-2006. Furthermore, the learned Writ Court took note of the contention of the respondent University that the said decision taken by the Board of Studies has been approved by the Academic Council and the Senate at the meetings held on 11.03.2005 & 30.03.2005. Though the learned counsel for the appellant contended that the equivalence of qualification cannot be decided by the University by the approval of their Academic Counsel or Senate, the Court did not accept the said submission made by the appellant. Thus, ultimately, it was held that the third respondent possessed the requisite qualifications. The Writ Petitioner is on appeal as against the said order.

4.So far as the observation made by the learned Writ Court with regard to the equivalence of qualification, we need to point out that the University cannot by itself hold that the degree offered by any other University is equivalent to the degree offered by them. It is for the equivalence Committee, which has been formed by the State Government concerned, consisting of the experts have to take a decision in the matter. Therefore, either the affiliated University or College, who offers various courses, for appointing teachers and professors cannot decide about the equivalence of the degree by themselves and the same has to be decided by the Equivalence Committee constituted by the State Government. Therefore, on the date, when the Writ Petition was dismissed, the learned Single Bench did not take note of the correct position of law. Further, by the approval of the Academic Counsel and the Senate, the University cannot take a decision that the course of study offered by them is equivalent to the course offered by some other University either as full time or through distance education



mode. Therefore, the appellant is found successful on the said point.

5.However, during the pendency of the Writ Appeal, the Government issued G.O.Ms.No.268, Higher Education Department, dated 29.11.2019, which has declared that the MFC and M.Com. (Finance) degrees to be equivalent. Then, obviously, the benefits of such Government Order shall enure to the candidate, who possessed the degree. Though the appellant has convinced the Court on the above said technical issue, the result of the Writ Petition is not modified or interfered on account of the decision taken in G.O.Ms.No.268, Higher Education Department, dated 29.11.2019.

6.Thus, for the above reasons, the Writ Appeal fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-20666 [F] dated 30/06/2021)

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-20782[F] dated 30/06/2021)

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