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W.P.No.14278 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14278 of 2018
and
W.M.P.Nos.16866 & 16877 of 2018
and
W.M.P.No.17710 of 2022

Dr.E.Sarala

...Petitioner

Vs.

1.The Director of Collegiate Education,
Chennai – 6.

2.The Joint Director of Collegiate Education,
Chennai Region, Chennai – 15.

3.The Registrar,
Madras University,
Chepauk, Chennai – 5.

4.The Principal & Secretary,
Ethiraj College for Women (Autonomous)
No.70, Ethiraj Salai,
Egmore, Chennai – 8.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent order vide No.A-II/JPR/A.P/Approval/Ethiraj College/2018/676,



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dated 07.03.2018 and the consequential order of 4th respondent dated 06.06.2018 and quash the same, consequently direct the 3rd respondent to approve the petitioners qualification and also approve the appointment of the petitioner and pay the salary and other benefits with effect from 08.03.2017. (Prayer amended vide order dated 28.07.2022 made in W.M.P.No.17708/2022 in W.P.No.14278/2018)

For Petitioner	: Mr.K.Sathishkumar
For R1 & R2	: Mr.D.Ravichander Special Government Pleader
For R3	: Mr.A.S.Vijayaragavan
For R4	: Mr.P.Wilson For M/s.A.S.Kailasam and Associates

ORDER

The amended relief sought for in the present writ petition is to call for the records of the 3rd respondent order vide No.A-II/JPR/A.P/Approval/Ethiraj College/2018/676 dated 07.03.2018 and the consequential order of 4th respondent dated 06.06.2018 and quash the same, consequently direct the 3rd respondent to approve the petitioners qualification and also approve the appointment of the petitioner and pay the salary and other benefits with effect from 08.03.2017.



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2. The petitioner states that she passed 10th Standard in the year 1994.

12th Standard during 1996 and thereafter, completed three years Diploma in Electrical and Electronic Engineering during April 1999 at Government Institute namely Department of Technical Education, Central Polytechnic, Tharamani. After completing three years Diploma course, the petitioner joined M.A (History) and completed her course at Annamalai University in May 2002. Subsequently, the petitioner passed M.Phil., (History) in April 2005 at Madurai Kamarajar University. Thereafter, the petitioner joined B.A. (History) and completed the said degree course. Finally, the petitioner has obtained Ph.D., from Dravidian University on 01.03.2016 and accordingly, she states that she is fully eligible and qualified for appointment to the post of Assistant Professor in Government and Aided Institutions as per the UGC norms. The petitioner states that she was appointed as an Assistant Professor at Agurchand Manmull Jain College as a Management staff in the Department of Tourism Travel and Management and worked between 10.06.2016 to 08.03.2017.

3. The grievances of the writ petitioner is that her appointment was not approved by the Director of Collegiate Education / 1st respondent and



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therefore, she is unable to get the salary and other service benefits. The petitioner is now working as Assistant Professor in the 4th respondent College and subsequently, ousted from service on 06.06.2018.

4. The learned counsel for the petitioner mainly contended that the three years Diploma course in Electrical and Electronic Engineering is equal to degree in Arts. Thus, the petitioner studied in the regular pattern of 10+2+3 and accordingly, her appointment is to be approved by the competent authorities of the Collegiate Education.

5. The learned counsel appearing on behalf of the respective respondents objected the said contentions by stating that the petitioner is not qualified for appointment to the post of Assistant Professor. First of all, the three years diploma course in Electrical and Electronic Engineering is not equivalent to a degree course in Arts as approved by the University examination. It is further contended that the petitioner studied M.A. degree in History through open University from Annamalai University and the said degree was already declared as invalid by the Hon'ble Supreme Court of India in Annamalai University's case itself. Thus, the petitioner did not



possessed the requisite qualification as per the UGC Regulations and therefore, not entitled for approval of her appointment in the 4th respondent college.

6. The 2nd respondent has filed a counter statement in this regard, which reads as under:

“5.....the 4th respondent college is a Government Aided Autonomous College governed by the provisions of Tamil Nadu Private Colleges (Regulations) Act, 1976. The Secretary of the College is the competent authority to make appointments and also to take action on the files relating to the establishment of the staff working in the college. It is submitted that the 4th respondent has powers to make appointments. The 4th respondent has rightly advertised the vacancies in the college. It is also submitted that the petitioner has applied for the post and got selected. However, the qualification approval which has to be confirmed by the 3rd respondent University has not been accorded, stating that she has not studied her education as per the UGC guidelines and also as per the pattern on 10+2+3+2/11+1+3+2. Hence her appointment was cancelled by the 4th respondent herein, the Secretary of the College.

6.....When the 3rd respondent University gives



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qualification approval, the 4th respondent would send a proposal to the 2nd respondent herein the Joint Director of Collegiate Education to approve the appointment for the disbursement of grant in aid salary to the petitioner. It is submitted that in the present case, the petitioner's appointment i.e., the qualification was not approved by the 3rd respondent University. Hence, the proposal for approval of appointment has not been received by the 2nd respondent herein from 4th respondent. Only when the proposal is received by the 2nd respondent Joint Director of Collegiate Education, the proposal will be examined as per the rules in force and as per the UGC norms. During the examination of the proposal, the 2nd respondent would scrutinize the qualification obtained by the petitioner and whether rule of reservation has been scrupulously followed and other related aspects. In this present case, the proposal for approval of appointment of the petitioner has not been received from the 4th respondent. Hence, at this juncture, the 2nd respondent and the 1st respondent have no role to play in the approval of the appointment of the petitioner.

7.....The petitioner has completed 3 years Diploma in Electronic and Electrical Engineering and subsequently, she has obtained other qualifications. However, she had not obtained her degree qualification before obtaining her PG.



She has completed her UG qualification only in the year 2012 where as she has obtained her M.A. History during the year 2002. It is further submitted that she has completed her UG degree in reverse. This is the reason why the 3rd respondent has not approved her qualification as she has not completed her study in the pattern of 10+2+3+2. It is also submitted that G.O.242 stipulates about the equivalence of the courses to distance, Open University, ITI and lateral entry The G.O is silent on whether qualification of Degree being obtained after completion of PG in the same stream can be equivalent to the courses. It is humbly submitted that the petitioner quotes various Judgments and government orders passed by other states to sustain her case. It is submitted that these government orders are not relevant to the case of the petitioner as the same is silent on the chronology of qualifications obtained.”

7. This Court is of the considered opinion that Engineering courses are falling under the pattern approved by the AICTE. Arts and Science courses are falling under the UGC Regulations and degrees recognised by the UGC alone is to be considered as the qualification for the purpose of appointment to the post of Assistant Professors. Any degree, which is not



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approved by the UGC cannot be considered as a valid degree for the purpose of public appointments. Thus, the Engineering qualifications, whether it is three years course or four years course cannot be compared with the degrees awarded in Arts and Science and further, the medical qualifications are also entirely different. Arts and Science degrees are recognised under the UGC Regulations. The Engineering degrees are approved by the AICTE and the Medical degrees are approved by the Medical Council of India.

8. Therefore, three years diploma in Engineering course cannot be equated with three years Arts degree namely B.A., B.Sc., and B.Com etc., so also, four years Engineering degree cannot be equated with other degrees awarded under the subjects of Arts and Science. Each one is independent, distinct and different. Thus, comparison of Engineering degrees with Arts and Science degrees are impermissible and therefore, the appointments to the post of Assistant Professors are to be made strictly in accordance with the UGC Regulations, more specifically, in Arts and Science colleges.

9. Section 16 (1) of the Tamil Nadu Private Colleges (Regulations) Act, 1976, contemplates that “No person who does not possess the



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qualifications specified under Section 15 shall, on or after the date of commencement of this Act, be appointed as teacher or other employee in any private college. Therefore, the qualification prescribed under Section 15 is to be scrupulously followed. Section 15(1) stipulates that “the University may make regulations, statutes or ordinances specifying the qualifications required for the appointment of teachers employed in any private college.”, which is governed by the UGC Regulations. Thus, the degrees awarded by the Institutions and Universities only if recognised by the UGC, then alone, the said qualification will be considered as valid qualification for the purpose of appointment to the post of Assistant Professors.

10. In the present case, the petitioner has not studied in the regular pattern of education. She had not acquired the qualifications of degree through regular pattern and more so, she has completed M.A. degree in History through Open University scheme. Thus, in any angle, the petitioner is not qualified for appointment to the post of Assistant Professor as per the Regulations in force and thus, the petitioner is not entitled for the relief as such sought for in the present writ petition.



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11. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes

Speaking order: Yes

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