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WP No.40945 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.40945 of 2016
And
WMP No.34912 of 2016

A.Ezhilarasi

..

Petitioner

VS.

The District Collector,
Villupuram District,
Villupuram.

..

Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in Roc.No.PA5/9173/2008 dated 17.08.2014 of the respondent and quash the same with all attendant and consequential benefits.

For Petitioner

: Mr.P.Thirumalai

For Respondent

: Mr.D.Gopal,



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Government Advocate.

ORDER

The order passed by the respondent in proceedings dated 17.08.2014 rejecting the claim of the writ petitioner for reinstatement, is under challenge in the present writ petition.

2. The petitioner states that she had completed Diploma in Architectural Assistantship. She had registered her name in the Employment Exchange. The petitioner received a call letter for selection to the post of Technical Assistant and accordingly, she appeared in the interview.

3. The petitioner was appointed on temporary basis as Technical Assistant on consolidated pay and thereafter, she was working at Gingee Panchayat Union. Subsequently, the petitioner was selected and posted as Overseer in proceedings dated 06.12.2007 in Thiruvennainallur Block. While the petitioner was working as Overseer at Thiruvennainallur Block, her services were terminated on 07.07.2008 on the ground that the petitioner did not possess the prescribed educational qualifications, i.e.,



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Diploma in Civil Engineering.

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4. The petitioner was relieved from service on 10.07.2008. She filed a Writ Petition in WP No.17361 of 2008, challenging the order of termination. The said writ petition was disposed of by this Court on 20.10.2008, directing the Authorities to provide an opportunity to the writ petitioner and pass fresh orders. Thereafter the Authorities reconsidered the issue by following the procedures and by affording an opportunity to the writ petitioner.

5. Again the writ petitioner filed WP No.502 of 2009, challenging the proceedings dated 23.12.2008 and the said writ petition was disposed of by this Court with a direction to the respondents to decide the matter afresh. Based on the observations made by this Court in the order, equivalence of the degrees were considered by the Authorities concerned. Accordingly, the Competent Authority has initiated steps and request the Government to consider the equivalence.



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6. Regarding the qualification of Diploma in Architectural Assistantship with the Diploma in Civil Engineering. Accordingly, the issue was placed before the 40th Equivalence Committee Meeting held on 12.04.2013 and the Equivalence Committee has discussed the issue in detail and passed the following resolution:-

“Resolution No.3

*Public Services – Educational
Qualifications – Consideration of Diploma in
Architectural Assistantship as equivalent to
Diploma in Civil Engineering – For the purpose
of employment and promotion in Public Services
– Regarding
- Not Equivalent - ”*

7. The Equivalence Committee constituted by the Government held that the Diploma in Architectural Assistantship is not equivalent to the Diploma in Civil Engineering for the purpose of employment and promotion in public services.

8. Based on the Resolution passed by the Equivalence



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Committee, the Authorities passed the impugned order stating that the petitioner is not eligible to the post of Overseer as she does not possess the prescribed educational qualification of Diploma in Civil Engineering.

9. This Court is of the considered opinion that the services of the petitioner were terminated on the ground that she does not possess the prescribed educational qualifications as per the Rules in force. Based on the orders of this Court, the matter was referred before the Equivalence Committee, who in turn considered the issues on merits passed the Resolution that the Diploma in Architectural Assistantship is not equivalent to Diploma in Civil Engineering.

10. The petitioner, admittedly, is possessing the qualification of Diploma in Architectural Assistantship and thus she does not possess the prescribed qualification of Diploma in Civil Engineering. Therefore, this Court do not find any infirmity in respect of the order passed by the respondent in proceedings dated 17.08.2014.



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11. The decision of the Equivalence Committee becomes final.

The Equivalence Committee is an Expert Body constituted for the purpose of granting equivalence of various degrees awarded by the Universities and Institutions across the country.

12. In the present case, the Equivalence Committee passed the Resolution that the Course of Diploma in Architectural Assistantship is not equivalent to Diploma in Civil Engineering. Thus, the petitioner is not entitled for the relief, as such, sought for in the present writ petition.

13. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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Villupuram District,
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S.M.SUBRAMANIAM, J.

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