



WEB COPY



W.P.No.23805 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23805 of 2014

&

M.P.Nos.1 & 2 of 2014

- 1.S.K.Sujatha
- 2.T.Ranjini
- 3.V.Agila
- 4.C.Natarajan
- 5.E.Epsivanitha
- 6.A.Hemalatha
- 7.P.Arul Mozhi Devan

...Petitioners

..Vs..

- 1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai - 09.
- 2.The State of Tamil Nadu,
Rep by the Secretary to Government,
School Education Department,
Fort St.George, Chennai - 09.
- 3.Teacher Recruitment Board,
Rep by the Chairman,
4th Floor, E.V.K.Sampath Buildings,
College Road, Chennai - 06.



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4.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

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... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned orders passed by the first respondent herein vide his proceedings in G.O.Ms.No.24 Personnel and Administrative Reforms (M) Department dated 04.02.2011 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice thereby direct the third respondent herein to accept the petitioners applications with B.Sc Bio Chemistry Degree and B.Ed Degree in Physical Science for the ensuing Teachers Eligibility Test examinations conducted by the third respondent consequently direct the third respondent to permit the petitioners to participate in the TET Examination without reference to the equivalency of B.Sc Bio Chemistry with B.Sc Chemistry Degree.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.M.Bindran
Additional Government Pleader
(for R.1, R.2 & R.4)
Mr.C.Kathiravan
Special Government Pleader (for R.4)

ORDER

The G.O.Ms.No.24, Personnel and Administrative Reforms (M) Department dated 04.02.2011 declaring that the degree qualification of B.Sc (Bio Chemistry) is not equivalent to B.Sc Chemistry is under



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challenge in the present Writ petition.

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2. The petitioners passed B.Sc Degree in Bio Chemistry discipline on various dates. The petitioners also completed B.Ed Degree and therefore they state that they are fully qualified for selection to the post of B.T.Assistant. Teachers Recruitment Board issued Notification for selection to the post of B.T.Assistant and the petitioners participated in the said selection. The grievance of the writ petitioners is that the B.Sc Degree (Bio Chemistry), though, considered as equivalent to B.Sc (Chemistry) on earlier occasions, the Government issued G.O.Ms.No.24 dated 04.02.2011, declaring that the B.Sc Degree Bio Chemistry is not equivalent to B.Sc Chemistry, which is impugned in the present Writ petition. Therefore, the petitioners became not eligible for the appointment to the post of B.T.Assistant.

3. The learned counsel for the petitioner mainly contended that the petitioners have studied Chemistry subject and the candidates who have completed B.Sc Degree Bio Chemistry are eligible to take classes on par with the candidates who studied B.Sc Chemistry and therefore not granting equivalence between B.Sc Chemistry and B.Sc Bio Chemistry is unjust and not in consonance with the principles.



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4. During the year 1998, the Government issued G.O.Ms.No.254

P & AR (R) Department, dated 20.12.1993. In the said Government Order, Government has granted equivalence however, subsequently the Equivalence Committee constituted, has gone into syllabus and other aspects of the matter and based on the report of the Equivalence Committee, the Government issued G.O.Ms.No.24, Personnel and Administrative Reforms Department, dated 04.02.2011, stating that the Degree of B.Sc (Bio Chemistry) awarded by all Universities in the State recognized by the University Grants Commission is not equivalent to the Degree of B.Sc Chemistry for the purpose of employment in the public service.

5. Under the Rules in force, the Equivalence Committee is the competent authority to evaluate the syllabus and other aspects of the matter between various degrees and submit recommendations for grant of equivalence. In the present case, the Equivalence Committee constituted, submitted a report stating that the B.Sc (Bio Chemistry) cannot be treated equivalent to B.Sc Chemistry. Accepting the recommendations of the Equivalence Committee, the Government passed the orders. Even subsequently, the Government issued another Government Order in G.O.Ms.No.72, Higher Education (K2) Department, dated 30.04.2013. In the said Government Order issued



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by the Higher Education Department, equivalence between various degrees were considered and accepting the recommendations of the Equivalence Committee and deleting certain courses, the Government directed various Educational qualifications possessed by the candidates as equivalent / not equivalent to the courses made in the Government Order. As per the said G.O. issued in 2013 also, 'B.Sc (Bio Chemistry) to B.Sc Chemistry' is treated as 'not equivalent'. The said Government Order passed subsequently by the Higher Educational Department.

6. The Government Order under challenge in the present Writ petition was issued by the Personnel and Administrative Department, therefore the Higher Education Department specifically constituted Equivalence Committee and the said Committee submitted its recommendations with reference to the various degrees and a comprehensive order was passed by the Government in G.O.Ms.No.72, Higher Education Department. After the issuance of the impugned order, when the Higher Education Department itself has passed an order categorically declaring that the B.Sc (Bio Chemistry) is not equivalent to B.Sc (Chemistry), there is no reason for the Court to interfere with the decision taken by the Government in this regard.



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7. High Court is not an expert body for the purpose of forming an opinion regarding the equivalence between the degrees. An academic exercise is required in these issues and such an exercise was deliberated by the equivalence committee constituted under the Rules in force. When the Committee has made certain recommendations and such recommendations were accepted by the Government and an order was issued, then there is no reason to exercise the powers of judicial review under Article 226 of Constitution of India to undo the exercise done by the expert body. Such an exercise is required to be done only if any unconstitutionality or violation of statutory Rules are established, but not otherwise.

8. Thus, the petitioners have not established any acceptable ground for the purpose of interfering with the orders passed by the Government and consequently Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.07.2022

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Index: Yes/No
Internet: Yes/No
Speaking Order



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To

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Personnel and Administrative Reforms Department,
Fort St.George, Chennai - 09.
2. Secretary to Government,
The State of Tamil Nadu,
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S.M.SUBRAMANIAM., J

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