



IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESEVED ON : 05.04.2022
DELIVERED ON: 21.04.2022

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CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.17657, 18091, 18645, 18869, 19613, 19615 of 2020
& W.P.Nos.117, 1454, 1457, 1633, 3406, 9025, 18422 of 2021
and WMP.Nos.21903, 22476, 23134, 23453, 23455, 23458, 24337,
24234, 24236, 24237, 24239, 24240, 24241 of 2020,
WMP.Nos.170, 1630, 1631, 1634, 1636, 1848, 1849, 3889, 3894,
9564, 9566, 9567 of 2021

1.P.RAJAKUMAR
2.E.MANOBHARATHI
3.R.PREETHI
4.S.NAVEEN PRASATH
5.C.SAM JEBADURAI
6.R.PRIYANKA
7.S.ABINAYA
8.A.SUHADEVAN
9.V.C.VISWANATH ... PETITIONERS in WP No.17657 of 2020

B.POORANIAMMAL ... PETITIONER in WP No.18091 of 2020
R.PREYANGA ... PETITIONER in WP No.18645 of 2020

1.ARUNKUMAR.N
2.G.SASIKALA ... PETITIONERS in WP No.18869 of 2020

JEYA KUMAR R ... PETITIONER in WP No.19613 of 2020

S.PRAVEEN KUMAR ... PETITIONER in WP No.19615 of 2020

PRIYANKA.B ... PETITIONER in WP No.117 of 2021

R.INDUJA ... PETITIONER in WP No.1454 of 2021

P.RAMYA ... PETITIONER in WP No.1457 of 2021

T.JAYANI ... PETITIONER in WP No.1633 of 2021

1.B.JAGANNATH

2.U. INDIRA PRIYA DHARSHINI
... PETITIONERS in WP No.3406 of 2021



1.T.SHIIYAMALA

2.MANOJ K M

3.RAJKUMAR P

4.ABINAYA S

5.VISWANATH V C

6.NAVEEN PRASATH S

7.SUHADEVAN A

8.MANO BHARATHI E

... PETITIONERS in WP No.9025 of 2021

1 K.AJAIGOKUL

2 M.I.ASHOK

3 S.HARIHARAN

4 S.R.SHAMEER NAVIETH

5 M.TAMIZH SELVAN

6 VINOTH KUMAR RAJU

... PETITIONERS in WP No.18422 of 2021

vs.

THE CHAIRMAN,
TAMIL NADU POLLUTION CONTROL BOARD,
NO.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

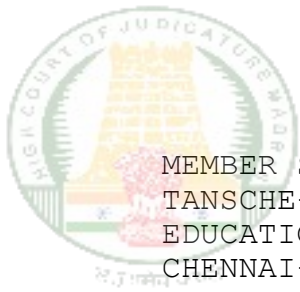
...1ST RESPONDENT IN WP NOS.17657, 18091,
18645 of 2020 & W.P.Nos.1454, 1457,
1633, 3406, 9025 of 2021

..2ND RESPONDENT IN WP.NO.18422 OF 2021

PRIYANKA
A.SIVAKEERTHI
P.DIVYA

[RESPONDENTS 2 TO 3 IMPEADED BY THIS COURT
VIDE ORDER DATED 05.04.2022 IN
WMP.NO.8446/2022, 24351 & 23068 OF 2021]

... RESPONDENTS 2 TO 4 IN WP NO.17657 OF 2020



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MEMBER SECRETARY

TANSCHÉ- TAMIL NADU STATE COUNCIL FOR HIGHER
EDUCATION LADY WILLINGDON COLLEGE CAMPUS

CHENNAI-600 005

..2nd Respondent in
WP.18091,18869,19613,19615 of
2020,117/2021

THE REGISTRAR

MADURAI KAMARAJ UNIVERSITY MADURAI- 625 021

..3rd Respondent in WP.18091 of 2020

DIRECTOR GENERAL

CSIR- COUNCIL OF SCIENTIFIC AND INDUSTRIAL

RESEARCH ANUSANDHAN BHAWAN NO.2 RAFI

AHAMED KIDWAI MARG NEW DELHI.

..4th Respondent in WP.18091 of 2020

THE TAMILNADU POLLUTION CONT

ROL BOARD REP BY ITS MEMBER SECRETARY NO.7

MOUNT SALAI GUINDY CHENNAI-32.

..1st Respondent in WP.18869,19613,19615 of
2020,117/2021

THE TAMILNADU AGRICULTURAL UNIVERSITY

REP BY ITS REGISTRAR LAWLEY RD

COIMBATORE.

..3rd Respondent in WP.18869 of 2020

THE PONDICHERRY UNIVERSITY

REP BY ITS REGISTRAR CHINNA KALAPET

PUDUCHERRY.

..3rd Respondent in WP.19613,19615 of 2020

4.R.GOKULKARTHIK

5 ANANTH J

6 T.P.A.ARAVIND

7 SANGAVI

8 VENKADA SUBRAMANIAN M

9 PAVITHRAN M.

(R4 TO R9 IMPEADED VIDE ORDER DT 16/3/2021

AND WMP.6794/2021 IN WP.19613/2020)

..4TH RESPONDENT IN WP.19613/2020

THE G.B.PANT UNIVERSITY OF

AGRICULTURE AND TECHNOLOGY REP BY IS

REGISTRAR PANTNAGAR

UTTARAKHAND- 263145.

..3RD RESPONDENT IN WP.1179 OF 2021



4. RAJARAM A

5 PRIYANKA K.

6 ASHOK GOWTHAM

(R4 TO R6 IMPEADED VIDE
ORDER DT 16/3/2021 MADE IN
WMP.6797 IN WP.117/2021)

.. RESPONDENTS 4 TO 9 IN WP.117/2021

2 THE CHAIRMAN

EQUIVALENCE COMMITTEE TAMIL NADU STATE
COUNCIL FOR HIGHER EDUCATION HIGHER
EDUCATION DEPARTMENT CHENNAI.

..2ND RESPONDENT IN WP.1454,1457 OF 2021

2 THE GOVERNMENT OF TAMILNADU

REP BY ITS PRINCIPAL SECRETARY HIGHER
EDUCATION (K2) DEPARTMENT SECRETARIAT
CHENNAI- 600 009.

..2ND RESPONDENT IN WP.9025 OF 2021

3 THE EQUIVALENCE COMMITTEE

REP BY ITS CHAIRPERSON CUM SECRETARY TO
GOVERNMENT OF TAMIL NADU FORT ST GEORGE
CHENNAI- 600 009.

..3RD RESPONDENT IN WP.9025 OF 2021

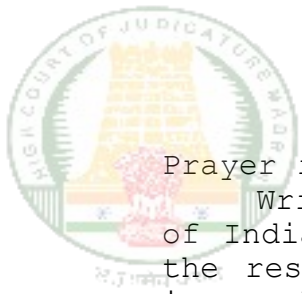
1 THE GOVERNMENT OF TAMIL NADU

REP. BY ITS SECRETARY DEPARTMENT OF HIGHER
EDUCATION SECRETARIATE CHENNAI.

...1ST RESPONDENT in WP No.18422 of 2021

Prayer in W.P.No.17657 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioners for appointment to the post of Assistant Engineer by treating the Master's Degree in Environmental Engineering and Management as a valid educational qualification for the post of Assistant Engineer, pursuant to the Notification issued by the respondent in Notification No.02/2019 dated 05.03.2020 for direct recruitment to the post of Assistant Engineer.

Prayer in W.P.No.18091 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st Respondent to allow the petitioner to participate in the certificate verification and interview in pursuant to the notification No. 01/ 2019 dated 06.03.2019 for the post of Environmental Scientist.



Prayer in WP No.18645 of 2020:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the respondent to consider the candidature of the petitioner in enrollment No.in TNPCB 37931 for appointment to the post of Environment Scientist in Pursuant to the Notification in Notification No.02/2019 dated 05/03/2020 on the file of the respondent by accepting her educational Qualification as eligible.

Prayer in WP No.18869 of 2020:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioners qualification is equivalent to the prescribed qualification as per the notification No.02/ 2019 dated 05.03.2020 of the 1st respondent and consider the candidature of the petitioners for the posts of Environmental Scientist.

Prayer in WP No.19613 and 19615 of 2020:

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the candidature of the petitioner for the post of Assistant Engineer under Notification No.1 and 2 of 2019 issued by the 1st respondent.

Prayer in WP No.117 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the 1st respondent to consider the petitioners qualification is equivalent to the prescribed qualification as per the notification No.02/2019 dated 05.03.2020 of the 1st respondent and consider the candidature of the petitioners for the posts of Environmental scientist and pass.

Prayer in WP No.1454 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st Respondent to consider the candidature of the Petitioner in enrollment number in TNPCB002760 for appointment to the post of Environment Scientist in pursuant to the Notification in Notification No.02/2019 dated 05.03.20 on the file of the 1st Respondent by accepting her educational qualification as eligible.

Prayer in WP No.1457 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st Respondent to consider the candidature of the Petitioner in enrollment number in TNPCB026062 for appointment to the post of Environment Scientist in pursuant to the Notification in Notification No.02/2019 dated 05.03.20 on the file of the 1st Respondent by accepting her educational



qualification as eligible.

Prayer in WP No.1633 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondent herein to Consider the Application of the Petitioner vide enrollment No TNPCB 013521 for certificate Verification and for Personal Interview for the consequential selection for the Post of Environmental Scientist on merits based on the Notification No 2/2019 dated 5.3.2020 of the Respondent Published under the Caption TNPCB AE Recruitment 2020/ Apply online for 242 Assistant Engineer, Environmental Scientist, Assistant, Typist Posts.

Prayer in WP No.3406 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondent to consider us for appointment to the post of Environmental Science by treating the Masters Degree in Eco Bio Technology as a valid educational qualification for the post of Environmental Scientist pursuant to the Notification issued by the Respondent in Notification No. 02/2019 dated 05-03-2020 for direct recruitment to the post of Environmental Scientist.

Prayer in WP No.18422 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to complete the selection process for the post of the Assistant Engineers, publish the results and appoint the eligible candidates within the time frame as fixed by this Honourable Court by considering petitioners representation dated 07.08.2021.

Prayer in W.P.No.9025 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the issue of impugned Notification No.2/2019 dated 05.03.2020 issued by the first respondent as well as the impugned G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019 issued by the second respondent and quash the impugned notification insofar as prescribing the educational qualification beyond the ones prescribed under the Tamil Nadu Pollution Control Board Engineering Service Regulations and also quash the said impugned G.O. and consequently to direct the first respondent to notify the list of subjects that are to be required to have studied by a candidate in the Degree Qualification prescribed as eligible so as to be considered as equivalent to ones prescribed under the service rules/regulations to apply for the selection pursuant to the impugned notification and based on the same, thereafter, to



consider eligibility of Educational Qualifications of the petitioners and other candidates for appointment to the category of Assistant Engineer in Tamil Nadu Pollution Control Board and thereafter, to proceed with the selection in accordance with the impugned notification.

For Petitioners:

W.P.No.17657 of 2020	: Mr.L.Chandrakumar
W.P.No.18091 of 2020	: Mr.G.Murugendran
W.P.Nos.18645/2020, 1454 & 1457 of 2021	: Mr.G.Prabhu Rajadurai
W.P.No.18869 of 2020 117 of 2021	: Mr.A.M.Natraj
W.P.No.19613, 19615 of 2020	: Mrs.B.Poongkhulali
W.P.No.1633 of 2021	: Mr.C.Sivanesan
W.P.No.3406 of 2021	: Mr.P.Manojkumar
W.P.No.9025 of 2021	: Mr.N.Subramaniyan
W.P.No.18422 of 2021	: Mr.D.R.Arun Kumar

W.P.No.17657 of 2020

: Mr.V.Karthik, Senior Counsel
for Mr.Adithyavaradaraja
: Mr.Cibi Vishnu
for R2 in WP.17657/2020
: Mr.S.Kanmani Annamalai
for R3 in WP.17657/2020

For Respondents

: Mr.R.Shunmugasundaram,
Advocate General
assisted by
Mrs.Vijayakumari Natarajan
Standing Counsel for TNPCB

Mr.D.Ravichander,
Special Government Pleader for
Higher Education Department

:Mr.P.Godson Swaminathan
for Isaac Chambers - R3
in WP.18091 of 2020

:V.P.K.Gowtham for RR4 to 9
in WP.19613 of 2020
and WMP.117 of 2021

C O M M O N O R D E R

The issue involved in these writ petitions are one and the same and as such, they are taken up together and disposed of by this common order. For the sake of convenience, array of parties in W.P.No.9025 of 2021 is adopted.



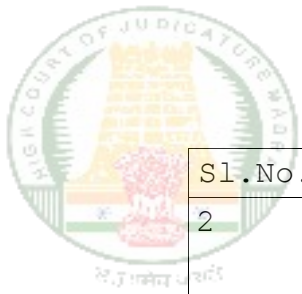
2. W.P.No.9025 of 2021 has been filed challenging the constitution of Equivalence Committee, vide G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019, as well as Notification No.2/2019 dated 05.03.2020 issued by the first respondent/Tamil Nadu Pollution Control Board [TNPCB]. Other writ petitions have been filed praying for a Mandamus directing the respondents to consider the petitioners for appointment to the post of Assistant Engineer and Environmental Scientists by treating the Master's Degree in Environmental Engineering and Management as a valid educational qualification for the post of Assistant Engineer and Environmental Scientists, pursuant to Notification No.02/2019 dated 05.03.2020.

3. Facts leading to the filing of these writ petitions, briefly narrated, are as follows:

3.1. The petitioners in W.P.No.17657 of 2020 and 9025 of 2021 are holders of Master's Degree in Environmental Engineering and Management issued by Anna University. They have studied the said course in the Coimbatore Institute of Technology, affiliated to Anna University, through regular stream. Likewise the petitioners in other writ petitions possess Masters Degree in Engineering in various disciplines.

3.2. The first respondent, issued Notification No.2 of 2019 dated 05.03.2020, inviting applications through online mode upto 26.03.2020 for direct recruitment to the post of Assistant Engineer - 78 vacancies, Environmental Scientist - 70 posts, Assistant (Junior Assistant) - 38 vacancies and Typist -56 vacancies. Educational qualification prescribed for the said posts notified are as follows:

Sl.No.	Name of the Post	Qualification
1	Assistant Engineer	Basic qualification should be a Bachelor's Degree in Civil Engineering or Chemical Engineering or Environmental Engineering, and Master's Degree in Environmental Engineering / Chemical Engineering / M.Tech. Environmental Science and Technology awarded by Anna University / M.Tech. Petroleum Refining and Petrochemicals awarded by Anna University / M.E. Environmental Management awarded by Anna University

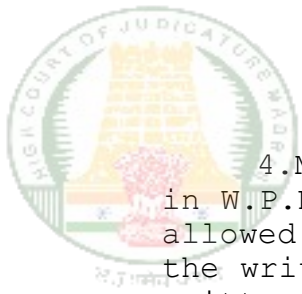


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Sl.No.	Name of the Post	Qualification
2	Environmental Scientist	Master's Degree in Science in any one of the following disciplines (1) Chemistry (2) Biology (3) Zoology (4) Environmental Chemistry (5) Environmental Science (6) Environmental Toxicology (7) Microbiology (8) Marine Biology (9) Bio-Chemistry (10) Analytical Chemistry (11) Applied Chemistry (12) Botany
3	-	--
4	-	--

3.3. In pursuant to the said notification, the petitioners herein applied for the post of Assistant Engineer and Environmental Scientist. The petitioners were successful in the written examination and they were called for Certificate Verification. However, to the shock and surprise, during Certificate Verification, the petitioners were informed that their Master's Degree cannot be considered to be a requisite qualification for the post of Assistant Engineer and Environment Scientists as per the Notification. Therefore, the petitioners have filed the present writ petitions.

3.4. In a similar matter, this Court has granted interim orders dated 23.12.2020 in W.P.No.19900 of 2020 and the degree courses acquired by the petitioners were forwarded to the Higher Education Department for ascertaining the equivalency of the qualification and based on the interim direction passed by this Court, the same was referred to the Equivalence Committee and based on the Resolution passed by the Equivalence Committee Meeting held on 05.02.2021, the Government has issued G.O.(Ms)No.29, Higher Education (K1) Department dated 09.02.2021 with regard to equivalence of degrees and G.O.(Ms)No.30, Higher Education (K1) Department dated 09.02.2021 with regard to Non-Equivalence of degrees offered by the Universities / Educational Institutions to the similar degrees. Thereafter, this Court vide interim order dated 16.03.2021, has observed that "pending of these writ petitions, is not a bar for the respondent/TNPCCB to proceed with the selection process and all the selection proceeds shall be kept in a sealed cover and can await till the disposal of these writ petitions".



4. Mr. L. Chandrakumar, learned counsel for the petitioners in W.P.No.17657 of 2020 would submit that the petitioners were allowed to participate in the selection process and undergo the written examination and after coming out successful in the written examination, they have been thrown out of the selection process, without considering the fact that the syllabus and curriculum of the Master's Degree in Environmental Engineering and Management possessed by the petitioners and Master's degree in Environmental Engineering and Masters Degree in Environmental Management are almost identical and the Master's degree possessed by the petitioners covers all the subjects in the syllabi proposed by the Respondent Board in the notification and however, the Equivalence Committee has not recommended the petitioners' Master's Degree as a valid qualification for appointment to the post of Assistant Engineer.

5. Mr. N. Subramaniyan, learned counsel for the petitioners in W.P.No.9025 of 2021 put forth the following contentions:

(i) The impugned Government Order in G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019, ordering constitution of Equivalence Committee, whose members do not have expertise in the subject matter of decision making to recommend a qualification, is illegal and is manifestly arbitrary and hence, the impugned Government Order is liable to be set aside.

(ii) The qualifications were added beyond the Tamil Nadu Pollution Control Board Service Regulations and as per the impugned Notification No.2/2019 dated 05.03.2020, M.Tech., Environmental Science and Technology awarded by Anna University, M.Tech., Petroleum Refining and Petrochemical Engineering awarded by Anna University and M.E. Environmental Management awarded by Anna University, have been included as the prescribed qualification in the notification without any legal sanction and therefore, the impugned notification is manifestly arbitrary and liable to be quashed.

(iii) The respondents failed to appreciate that the impugned notification inviting applications should specify the subjects required to be studied by the candidates to apply for the appointment to the post of Assistant Engineers and Environmental Scientists so as to avoid entry of ineligible candidates as well as to prevent denial of the fundamental rights of the really qualified candidates like the petitioners to be considered for appointment to the category of Assistant Engineers.

In the light of above contentions, learned counsel for the petitioners prayed for setting aside the impugned Government



Order in G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019 and the impugned notification of the first respondent/TNPCB dated 05.03.2020.

6. Mr.V.Karthik, learned Senior Counsel assisted by Mr.Adithya Varadarajan, learned counsel for the impleading petitioners in WMP.No.8446 of 2022 has produced the Tamil Nadu Gazette Notification dated 26.02.2020, notifying the amendments made to the Tamil Nadu Pollution Control Board Service Regulations in Part II of the Tamil Nadu Pollution Control Board Revised Service Regulations, 2010, in and by which "Masters Degree in Environmental Engineering or Chemical Engineering or M.Tech Environmental Science or Technology or M.Tech Environmental Science and Technology or M.Tech Petroleum Refining and Petrochemical or M.E. Environmental Management awarded by Anna University with a basic qualification of Bachelor's degree in Civil Engineering or Chemical Engineering or Environmental Engineering" have been included in Part II of the Tamil Nadu Pollution Control Board Revised Service Regulations, 2010. The learned Senior Counsel further submitted that the aforesaid amendment brought into effect on and from 26.02.2020 i.e., much prior to the impugned Notification No.2/2019 dated 05.03.2020 and therefore, the contentions of Mr.N.Subramaniyan, learned counsel for the petitioner in W.P.No.9025 of 2021 that certain subjects were included beyond the TNPCB Service Regulations, 2010, vide the impugned notification, is totally baseless.

7. Mr.Cibi Vishnu, learned counsel for the implead petitioner in WMP.No.23068 of 2021 contended that the impleaded respondent has already been selected and in pursuant to the interim order passed by this Court, the entire selection process has been stalled and the Equivalence Committee has also submitted its report and therefore, seeks for dismissal of these writ petitions so as to enable the respondents / TNPCB to proceed further by issuing appointment orders to the selected candidates.

8. In response, Mr.N.Subramaniyan, learned counsel for the petitioner has confined his arguments only with regard to constitution of the Equivalence Committee, vide G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019 and made the following contentions:

(i) The Government Order in G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019 under Article 162 of the Constitution of India to prescribe engineering qualification for the post of Assistant Engineer in TNPCB, without consulting the Chief Environmental Engineer of TNPCB or any other Chief Engineer having working knowledge in the pollution control activities, is manifestly arbitrary and violative of Article 14 of the Constitution of India.



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(ii) Technical qualifications cannot be prescribed by non-technical persons, whatsoever be their status and it cannot be presumed that Secretaries to Government should have decided objectively, as claimed by the State, is untenable as held by the Hon'ble Supreme Court in Brigadier Nalin Kumar Bhatia v. Union of India and Others [(2020) 4 SCC 78].

(iii) The Equivalence Committee is constituted to make it appear as if various personalities have participated in the decision making, but the fact remains that none of them are have basic knowledge in civil engineering / chemical engineering and with ill intention, the qualifications have been prescribed on whims and fancies to make unqualified persons as eligible to participate in the selection.

9. Mr.R.Shunmugasundaram, learned Advocate General, assisted by Mrs.Vijayakumari Natarajan, learned Standing Counsel for the first respondent / TNPCB, on instructions, has produced tabulation sheets/charts stating that the Masters Degree possessed by the petitioners are not found to be equivalent to the qualification prescribed for selection to the post of Assistant Engineers and Environment Scientists and would further submit that in pursuant to the interim order passed by this Court dated 16.03.2021, the results of the selection proceeds are kept in a sealed cover and it is under safe custody in the office of the first respondent/TNPCB and in the light of the interim order passed by this Court, the posts could not be filled up in the category of Assistant Engineers and Environmental Scientists and therefore, prays for appropriate orders.

10. Mr.D.Ravichandran, learned Special Government Pleader appearing for the second respondent / Higher Education Department, Government of Tamil Nadu, has drawn the attention of this Court to the counter affidavit of the second respondent and would submit that the Equivalence Committee was formed under G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019, taking into consideration relevant facts and broad based and it cannot be narrowed down for a single employment. The learned Special Government Pleader for the second respondent further submit that the Member Secretary of the Tamil Nadu State Council for Higher Education will constitute a Committee of Board of Studies to take up Unit-wise comparison and the said Committee would go into each and every subject and will prepare a report of the Unitwise comparison of the syllabus and the said Report/Board findings of the Committee will be forwarded to the Equivalence Committee, which is chaired by the Principal Secretary to Government. It is further submitted by the learned Special



Government Pleader for the second respondent that the Equivalence Committee consists of academicians in various disciplines like (i) The Secretary to Government, Personnel and Administrative Reforms Department, (ii) The Secretary to Government, School Education Department, (iii) The Vice-Chairman, Tamil Nadu State Council for Higher Education, (iv) The Member Secretary, Tamil Nadu State Council for Higher Education, (v) The Vice-Chancellor of University of Madras, (vi) The Vice Chancellor of Anna University, (vii) The Vice-Chancellor of Annamalai University, (viii) The Director of Technical Education and (ix) The Director of Collegiate Education and based on the recommendations of the Equivalence Committee, decision would be taken by the Higher Education Department and the allegations made by the petitioners are clearly mischievous and therefore, prays for dismissal of these writ petitions.

11. This Court has anxiously considered the rival submissions and also perused the entire materials available on record.

12. The point for consideration is whether the challenge made to the constitution of Equivalence Committee by the Government, vide G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019, is sustainable in law?

13. The primordial contention of the learned counsel for the petitioners in W.P.No.9025 of 2021 is that the Members of the Equivalence Committee are not engineering experts or having knowledge in environmental engineering field and therefore, constitution of the Equivalence Committee as per G.O.Ms.No.93, Higher Education (K2) Department dated 30.05.2019 is per se arbitrary and to enable unqualified persons as eligible to participate in the selection. Insofar as other writ petitions are concerned, pursuant to the interim order passed by this Court, the qualifications acquired by the petitioners have been referred to Equivalence Committee and vide G.O.(Ms).No.29, Higher Education (K1) Department dated 09.02.2021, some of the degrees were declared to be equivalent and vide G.O.(Ms.)No.30, Higher Education (K1) Department dated 09.02.2021, some of the degrees were declared to be not equivalent and however, the said decision of the Government has not been challenged in these writ petitions. Therefore, this Court has considered only the contentions of the learned counsel for the petitioners in W.P.No.9025 of 2021, with regard to constitution of the Equivalence Committee as per G.O.(Ms.) No.93, Higher Education (K2) Department dated 30.05.2019.

14. It is the stand of the second respondent in the counter affidavit that the members of the Equivalence Committee are experts in the field and the said Committee was formed taking into consideration all the relevant facts and are broad based and it cannot be permitted to narrow down for



a single employment and if the contention of the are petitioners is accepted, then the same would lead to serious consequences as it would lead to forming Committee for each and every post called for Public Employment.

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15. At this juncture, it is useful to extract the relevant portions of the impugned Government Order in G.O. (Ms).No.93, Higher Education (K2) Department dated 30.05.2019:

"3.The Government have examined the above proposal in detail and decided that the existing Equivalence Committee, functioning under the Chairmanship of the Chairman, Tamil Nadu Public Service Commission, formed vide G.O.(Ms)No.441, Personnel and Administrative Reforms Department (PER-R) Department dated 20.12.1993, be disbanded and a new Equivalence Committee be constituted in its place, under the Chairmanship of the Secretary to Government, Higher Education Department, along with the following nine members of the Committee to examine the requests of the educational institutions, to issue equivalence to the courses offered by them, for the purpose of appointment in public services:-

- (i) The Secretary to Government, Personnel and Administrative Reforms Department - Member
- (ii) The Secretary to Government, School Education Department - Member
- (iii) The Vice-Chairman, Tamil Nadu State Council for Higher Education - Member
- (iv) The Member Secretary, Tamil Nadu State Council for Higher Education - Member Secretary
- (v) The Vice-Chancellor of University of Madras - Member
- (vi) The Vice-Chancellor of Anna University, Chennai - Member
- (vii) The Vice-Chancellor of Annamalai University - Member
- (viii) The Director of Technical Education - Member
- (ix) The Director of Collegiate Education - Member

The Chairman / Secretary, Tamil Nadu Public Service Commission, Chairman / Member Secretary, Teachers Recruitment Board and any other officials of the Chairman's discretion shall be included in the Equivalence Committee, as Special Invitees and invited to the meeting, as and when required.

4.The Member Secretary, Tamil Nadu State Council for Higher Education will constitute a committee with the concerned chairpersons of the Board of Studies, to take up unitwise comparison study of the syllabus of courses and the Committee will submit their report to the Member-Secretary, Tamil Nadu State Council for Higher Education. The



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Member-Secretary, Tamil Nadu State Council for Higher Education will place the above report of the Committee of Chairpersons of the Board of Studies, before the Equivalence Committee for passing resolutions and forward the resolutions of the Equivalence Committee to the Government, for issuing necessary orders for equivalence qualification.

5. The Government will then examine the Equivalence Committee's recommendation and issue necessary orders. The Tamil Nadu State Council for Higher Education will extend necessary support to the Equivalence Committee.

6. The Government also direct that the general public / students / teachers / colleges / Universities / Recruitment Boards / Other stakeholders who seek equivalence of courses offered by the Colleges / Universities will address the Tamil Nadu State Council for Higher Education, directly."

16. A perusal of the impugned Government Order, more particularly, para 3 would reveals that the Equivalence Committee consists of high ranking officials and academicians from various disciplines in the cadre of Secretary to Government, who are I.A.S. Officers, Vice Chairman and Vice Chancellors of various Universities, who are Doctorates, Professors / Academicians in Universities / Colleges and Director of Technical Education and Collegiate Education, who are experts in the field of syllabus of Engineering and Polytechnic, Arts and Science Colleges. Therefore, the contention of the petitioners that the Equivalence Committee comprises of persons, who are not expertise in the field, is found to be unsustainable.

17. Further, paras 4 and 5 of the impugned Government Order stipulates the procedure adopted by the Government as well as the Equivalence Committee while deciding the equivalence of qualification. As rightly stated by the second respondent in the counter affidavit, the Member Secretary of Tamil Nadu State Council for Higher Education will constitute a Committee of Board of Studies to take up the Unitwise comparison of the subjects and the language employed in the impugned Government Order would make things unambiguously clear that the Committee constituted by the Member Secretary of Tamil Nadu State Council for Higher Education would go into each and every subject, prepare and report of the Unitwise comparison of the syllabus and the said report / finding of the Committee of Board of Studies will be forwarded to the Equivalence Committee, which is chaired by Principal Secretary. The Equivalence Committee will once again apply its mind independently which consists of various members / academicians as stated above, who will go through the report in the said field and give assessment Unitwise comparison of the syllabus. Thus, citing the above procedures being adopted



while deciding the equivalence of qualification, learned Special Government Pleader for the second respondent contended that the allegations of the learned counsel for the petitioners are clearly mischievous and baseless. This Court is of the view that the submission made by the learned Special Government Pleader for the second respondent merits acceptance.

18. A similar issue pertaining to equivalence of qualification for employment to public service came up before a Division Bench of this Court in the decision in A.Syed Ansari v. R.Pavithra [Order dated 09.08.2019 in W.P.Nos.6316 & 7793 of 2019]. The facts of the said case would disclose that the petitioner therein applied for the examination for the post of Assistant Professors/Assistant Professors (Pre-Law) in Government Law Colleges for the year 2017-2018. He was selected and interview call letter was also received and when he appeared for the interview on 01.03.2009, during certificate verification, despite having qualified in NET and SET exams, since his LLM degree was a one year degree, the respondents therein did not permit him to participate in the interview as he has not obtained his PG Degree, after completion of S.S.L.C., Higher Secondary Course and a Degree in (10+2+3+2 or 3) pattern from any University or institution, recognized by the University Grants Commission. The Division Bench of this Court, initially has directed the Equivalence Committee, constituted vide G.O.(Ms) No.93, Higher Education Department dated 30.05.2019 [present impugned order] to convene a meeting to decide on the equivalency of one year LLM degree programme for the purpose of employment in public service. The Director of Legal Studies also requested the Tamil Nadu State Council for Higher Education, to decide on the equivalence of one year LLM Degree obtained by A.Syed Ansari from Indian Law Institute (Deemed to be University) New Delhi and R.Pavithra from Gujarat National Law University. The Higher Education Department has requested the Member Secretary (FAC), Tamil Nadu State Council for Higher Education to place the said subjects before the Equivalence Committee.

18.1. The Tamil Nadu State Council for Higher Education has formulated a Subject Expert Committee and the said Committee, after making a comparative study of Unitwise analysis of LLM (One Year) in Corporate and Business Law offered by Gujarat National Law University and the LLM Degree in Business Laws (Two Years) offered by the Tamil Nadu Dr.Ambedkar Law University and after studying the syllabus for both the Courses, has stated that the similarity between these courses is only 45% and accordingly has concluded that the former course is not equivalent to LLM degree offered by the Tamil Nadu Dr.Ambedkar Law University. In a similar comparative study of syllabus and unit-wise analysis of LLM (One year) in Constitutional Law and Administrative Law offered by Indian Law Institute, New Delhi, with LLM degree in



Constitutional Law and Human Rights (Two year) offered by the Tamil Nadu Dr. Ambedkar Law University and after studying the syllabus for both the courses, the Subject Expert Committee has stated that the similarity between these courses is only 26.5% and accordingly has concluded that the former course is not equivalent to LLM degree offered by the Tamil Nadu Dr. Ambedkar Law University.

18.2. The Hon'ble Division Bench of this Court, in the penultimate paragraphs, had observed as follows:

"13. This Court is of the view that the question of considering equivalence is purely in the exclusive domain of the experts in the field of education. That is the reason why, Equivalence Committee has been constituted and it is also stated to be periodically convened, and on the basis of the recommendation of such committee, orders are issued by the Government. Further, the Court, exercising powers under Article 226 of the Constitution, is not an expert body to sit in judgment over educational matters and compel the educational authorities, to treat any degree or programme, as equivalent to the other, for the purpose of pursuing higher studies or employment, as the case may be.

14. Needless to say that it is the prerogative of the employer to prescribe the age, educational qualifications etc., for appointment to a post. Reference can be made to a decision of the Hon'ble Supreme Court in P.U. Joshi v. Accountant General reported in 2003 (2) SCC 632, where the Hon'ble Supreme Court, at Paragraph 10, held as follows:

"10. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative



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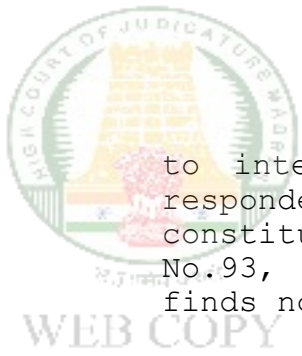
exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service."

(emphasis supplied)

The Division Bench of this Court in the aforesaid decision has laid down the principle that "the question of considering equivalence is purely in the exclusive domain of the experts in the field of education. That is the reason why, Equivalence Committee has been constituted and it is also stated to be periodically convened, and on the basis of the recommendation of such committee, orders are issued by the Government". The aforesaid decision of the Division Bench of this Court squarely applies to the facts of the present cases.

20. It is to be pointed out at this juncture that in pursuant to the interim order passed by this Court dated 16.03.2021, the results of the selection proceeds are kept in a sealed cover and it is under safe custody in the office of the first respondent/TNPCB. As rightly contended by the learned counsel for the implead petitioners / selected candidates, in the light of the interim order passed by this Court, the entire selection process has been stalled for the past two years and the posts could not be filled up in the category of Assistant Engineers and Environmental Scientists.

21. In the light of the above factual position and the aforesaid decision of the Division Bench of this Court, the contention of the petitioners challenging the constitution of Equivalence Committee, vide impugned Government Order in G.O. (Ms.)No.93, Higher Education (K2) Department dated 30.05.2019, lacks merit and substance. It is trite law that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, will not normally interfere or analyze the opinion given by the experts. This Court finds no reason



to interfere with the impugned notification of the second respondent/TNPCB and there is no arbitrariness in the constitution of the Equivalence Committee, vide G.O.(Ms.) No.93, Higher Education (K2) Department dated 30.05.201 and finds no merit in these writ petitions.

22. In the light of the reasons assigned above, this Court passes the following order:

The first respondent / Tamil Nadu Pollution Control Board is directed to publish the selection list and proceed for issuance of necessary appointment / posting orders to the selected candidates in accordance with law, as early as possible, without any further delay.

23. These Writ Petitions stands dismissed with the above directions. No costs. Interim Orders already granted stands vacated and consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jvm

To

1.THE CHAIRMAN,
THE TAMIL NADU POLLUTION CONTROL BOARD,
NO.76, MOUNT SALAI, GUINDY, CHENNAI-600 032.

2.THE MEMBER SECRETARY
TANSCH- TAMIL NADU STATE COUNCIL FOR HIGHER
EDUCATION LADY WILLINGDON COLLEGE CAMPUS
CHENNAI-600 005

3.THE REGISTRAR
MADURAI KAMARAJ UNIVERSITY MADURAI- 625 021

4.THE DIRECTOR GENERAL CSIR- COUNCIL OF SCIENTIFIC
AND INDUSTRIAL RESEARCH
ANUSANDHAN BHAWAN
NO.2 RAFI AHAMED KIDWAI MARG
NEW DELHI.

5.THE MEMBER SECRETARY,
TAMILNADU POLLUTION CONTROL BOARD
NO.7 MOUNT SALAI GUINDY CHENNAI-32.

6.THE REGISTRAR ,
TAMILNADU AGRICULTURAL UNIVERSITY
LAWLEY RD COIMBATORE.



7.THE REGISTRAR ,
PONDICHERRY UNIVERSITY
CHINNA KALAPET
PUDUCHERRY.

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8.THE REGISTRAR,
G.B.PANT UNIVERSITY OF AGRICULTURE AND TECHNOLOGY,
PANTNAGAR
UTTARAKHAND- 263145.

9.THE CHAIRMAN
EQUIVALENCE COMMITTEE TAMIL NADU STATE
COUNCIL FOR HIGHER EDUCATION
HIGHER EDUCATION DEPARTMENT,CHENNAI.

10.THE PRINCIPAL SECRETARY ,
GOVERNMENT OF TAMILNADU
HIGHER EDUCATION (K2) DEPARTMENT
SECRETARIAT,CHENNAI- 600 009.

11.THE CHAIRPERSON CUM SECRETARY TO
GOVERNMENT OF TAMIL NADU,
EQUIVALENCE COMMITTEE
FORT ST GEORGE
CHENNAI- 600 009.

12.THE SECRETARY,
GOVERNMENT OF TAMIL NADU
DEPARTMENT OF HIGHER EDUCATION,
SECRETARIATE CHENNAI.

+1 cc to Mr.D.R.Arun Kumar, Advocate Sr.NO. 27377
+1 cc to M/s.Isaac Chambers, Advocate Sr.NO.27118
+1 cc to Mr.M.Baskaran, Advocate Sr.NO. 27124
+1cc to Mr.Adithya Varadarajan, Advocate Sr.No.27653
(03/06/2022)

+1cc to Mr.L.Chandrakumar, Advocate, Sr.No.27908 (03/06/2022)

W.P.Nos.17657 of 2020 etc., batch

RSI (CO)

A.SK(25/04/2022)