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W.P.No.29971 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.29971 of 2022
and
W.M.P.No.29381 of 2022

S.Sivaraj

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Higher Education Department
Fort St. George, Chennai-09.
2. Teachers Recruitment Board
Rep. by its Member secretary,
3rd floor, Puratchi Thalaivar
Dr.MGR Centenary Building,
DPI campus, college road,
Chennai-06.
3. Equivalence Committee,
Tamil Nadu State Higher Education Council,
Rep. by its Vice Chairman,
Lady Wellington, College Campus,
Kamarajar Salai,
Triplicane, Chennai-05.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd



W.P.No.29971 of 2017

respondent to convene a meeting of the equivalence Committee to consider the issue of equivalence of Degree of Bachelor of Corporate Secretaryship (B.C.S.) awarded by Indo American College, Perungalathur, Cheyyar, Thiruvannamalai District affiliated to University of Madras to B.Com. Degree for the purpose of employment in Public Services within a time frame to be fixed by this Court.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
for Ms.C.Uma

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.C.Kathiravan
Special Government Pleader
for R2

Mr.V.Manoharan
Additional Government Pleader
R1 and R3

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the third respondent to convene a meeting of the Equivalence Committee to consider the petitioner's request for issuance of equivalence certificate for the subjects Bachelor of Corporate Secretaryship (B.C.S.) and B.Com. Degrees.



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2. The petitioner has been provisionally selected for the post of P.G. Assistant (Commerce). However, the petitioner's result has been withheld on the ground that the Bachelor of Corporate Secretaryship (B.C.S.) obtained by the petitioner is not equivalent to B.Com. Degree which is the educational qualification required under the notification inviting aspirants seeking for the post of P.G. Assistant (Commerce). Since the petitioner's selection has been withheld, the petitioner has filed this Writ Petition.

3. Learned Additional Government Pleader has received written instructions and a position note was filed in W.P.No.29382 of 2022 when the matter was disposed on 09.11.2022, which is also applicable to the case on hand. As per the said position note, it has been stated that the Committee for Board of Studies - Commerce (UG & PG) will sit on 18.11.2022 and based on the request made by the petitioner, recommendations will be sent to the Equivalence Committee to enable them to pass orders. He would also submit that the Equivalence Committee comprises of nine members which includes three Vice Chancellors. He would, therefore, submit that a period of three months is required for considering the petitioner's representation.



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4. However, this Court is of the considered view that three months period is too long. The petitioner having been provisionally selected, the respondents will have to consider the petitioner's request expeditiously. This Court is of the considered view that eight weeks period will be sufficient for the Equivalence Committee to pass final orders on the petitioner's representation.

5. Since the petitioner has been provisionally selected for the post of P.G. Assistant (Commerce) and her result has been withheld only due to the fact that the petitioner has not produced Equivalence Certificate in respect of Bachelor of Corporate Secretaryship (B.C.S.) and B.Com. Degrees, the petitioner's right to be appointed for the post of P.G. Assistant (Commerce) should not be defeated. Therefore, this Court will have to issue a direction to the respondents not to fill the post which was allotted to the petitioner under the provisional selection list to any other person till final orders are passed by the Equivalence Committee, based on the petitioner's representation.



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6. For the foregoing reasons, this Court directs the third respondent / Equivalence Committee to pass final orders on the petitioner's representation dated 07.10.2022, requesting for Equivalence Certificate for Bachelor of Corporate Secretaryship (B.C.S.) and B.Com. Degrees within a period of eight weeks from the date of receipt of a copy of this order. Till final orders are passed by the Equivalence Committee, the respondents are directed not to fill up the post which was earlier allotted to the petitioner under the provisional selection list.

7. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

11.11.2022

Index : Yes/No

Speaking Order : Yes / No

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Note: Upload order copy on 15.11.2022



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To

1. The State of Tamil Nadu
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ABDUL QUDDHOSE. J.,

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