



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34905 of 2019

and

W.M.P. Nos. 35681, 35682 and 35683 of 2019

H.T.Raghul Rajan

... Petitioner

-vs-

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Education Department
Fort St. George, Chennai - 600 009.
 2. The Director of School Education
College Road, Chennai - 600 006.
 3. The District Educational Officer
Chennai (West).
 4. The Correspondent
CSI St. Mathias Anglo-Indian Higher Secondary School,
Vepery, Chennai - 600 007.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the Third Respondent in his proceedings in Na.Ka.No.2078/A1/2019 dated 01.07.2019 quash the same and consequently direct the respondents to approve the appointment of the petitioner as B.T. Asst. (Maths) from 22.10.2018 with salary and other benefits.

For Petitioner : Ms. P.Mahalakshmi

For R1 to R3 : Mr. Stalin Abhimanyu
Additional Government Pleader
(Education)

For R4 : No Appearance



ORDER

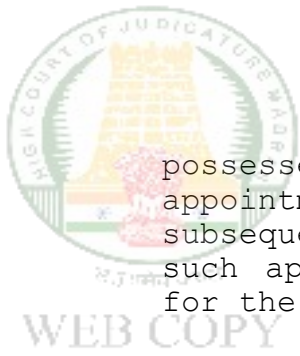
Heard Ms. P.Mahalakshmi, Learned Counsel for the Petitioner and Mr.Stalin Abhimanyu, Learned Additional Government Pleader appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Fourth Respondent is a recognized private school receiving grant-in-aid from the Government of Tamil Nadu for payment of salary to its teachers. The Petitioner who claims to hold B.E. degree in Electronics and Communication Engineering with specialization in Mathematics and B.Ed. degree, was appointed as B.T. Assistant (Mathematics) on 22.10.2018 in the school of the Fourth Respondent and when the same was sent for approval to the Third Respondent, it was rejected by Proceedings Na. Ka. No. 2078/A1/2019 dated 01.07.2019 stating that the Petitioner did not have the required qualification for that post, which is challenged in this Writ Petition.

3. It has been brought to notice that after the passing of the impugned order, the Government of Tamil Nadu by G.O.(Ms). No.270, Higher Education (J1) Department dated 03.12.2019 has accepted the recommendations of the equivalence committee that persons holding B.E. degree in any discipline with B.Ed. degree would be eligible to teach VI Standard to VIII Standard in terms of the resolution passed by the Tamil Nadu State Council for Higher Education, which reads as follows:-

Sl. No.	Name of the Course	Equivalent/ Not Equivalent
20.	Resolution No. 2.30 Public Services - Educational Qualification - Consideration of B.E. (any discipline) with B.Ed whether eligible to the post of B.T. Assistant (Mathematics) for the purpose of employment in Public Services	Eligible to teach from 6 th Standard to 8 th Standard

In this backdrop, reference must be made to the decision of the Full Bench of this Court in Nadar Thanga Shubha Laxman -vs- State of Tamil Nadu [(2014) 3 CTC 433] where it has been held that the Equivalence Certificate issued by the committee constituted by the Government declaring that the degree obtained from one University is equivalent to the degree obtained from yet another University cannot be held to be only prospective in operation, but it will have its effect right from the date of issuance. It would follow as its corollary that if a person had



possessed the prescribed qualifications at the time of appointment, but the equivalence has been accorded at a subsequent date, its benefits would relate back to the time of such appointment, if such person was otherwise not disentitled for the same.

4. In view of the aforesaid legal position, following orders are passed:-

- (i) the impugned Order in Na. Ka. No. 2078/A1/2019 dated 01.07.2019 passed by the Third Respondent is set aside and the matter is remitted for considering the matter afresh in accordance with law;
- (ii) it shall be incumbent upon the concerned authority to take into account the equivalence which has been accorded to the educational qualifications held by the Petitioner in terms of G.O. (Ms). No. 270, Higher Education (J1) Department dated 03.12.2019 issued by the Government of Tamil Nadu while examining his claim for approval of his appointment in the school of the Fourth Respondent for grant of aid for payment of his salary, if he is otherwise eligible for it and had actually worked during the relevant period;
- (iii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner and the Fourth Respondent requiring it to be furnished within a time frame of not less than 15 clear working days;
- (iv) in the event of the concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and the Fourth Respondent to explain their position in that regard and the concerned authority shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken under written acknowledgment;
- (v) if the Petitioner is entitled to the claim made, it shall be ensured that the eligible amount of arrears of salary is paid within one month from the date of passing of that order, apart from the monthly salary for future months on the due dates; and
- (vi) the concerned authority shall file report of compliance in that regard by 30.06.2022 before the Registrar (Judicial) of this Court.



In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

DM

To

1. The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The District Educational Officer
Chennai (West).

Copy To:-

1. The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.
2. The Correspondent
CSI St. Mathias Anglo-Indian Higher Secondary School,
Vepery, Chennai - 600 007.
3. H.T.Raghul Rajan,
No.3, Vellaikullam 3rd Street,
Arrakonam, Vellore District.

+1cc to M/s.P.Mahalakshmi, Advocate, S.R.No. 7821

+1cc to the Government Pleader, S.R.No. 8098

W.P. No. 34905 of 2019 and
W.M.P. Nos. 35681, 35682 and 35683 of 2019

NMI (CO)
TE (28/02/2022)