



W.P.(MD)No.13456 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13456 of 2022

and

W.M.P(MD)No.9553 of 2022

Jeya Mount Mary

... Petitioner

Vs

- 1.The Member / Secretary
Tamil Nadu State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai – 5.
- 2.The Joint Director (Vocational)
Directorate of School Education,
DPI Campus,
Chennai – 6.
- 3.The District Educational Officer,
Tiruchendur,
Thoothukudi District.
- 4.The Correspondent,
St.Johns Girls Higher Secondary School,
Nazareth,
Thoothukudi District.



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5. The Secretary to Government,
Higher Education Department,
Government of Tamilnadu,
Chennai.
(R5 is *suo motu* impleaded as per
the Court order dated 11.07.2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the second respondent in his proceedings in O.Mu.No. 027683/K/E2/2020, dated 27.08.2020 and consequent order passed by the third respondent in his proceedings in O.Mu.No. 1012/A3/2019, dated 29.09.2020 and quash the same as illegal and consequent direction may be issued to the third respondent to forward the proposal sent by the fourth respondent to first respondent for consideration for equivalency certificate within stipulated period.

For Petitioner : Mrs.T.A.Ebenezer

For Respondents : Mr.V.Om Prakash
Government Advocate for R.1 to R.3, R.5

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2. Considering the nature of relief to be granted, issuance of notice to the fourth respondent is dispensed with.



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3. The writ petitioner completed her B.Ed., Degree Course from Mumbai University through regular class from Pillai College of Education and Research, Chembur Naka, Mumbai. The petitioner worked in the fourth respondent school for sometime in leave vacancy. When leave salary was applied, the same was not considered on the ground that there was no Equivalence Certificate. When the petitioner applied to the fourth respondent, the fourth respondent forwarded the same to the third respondent. The third respondent, in turn, forwarded the proposal to the second respondent. The second respondent once again authorised the third respondent to decide the issue. The third respondent returned the proposal on the ground that there is no scope for issuance of Equivalence Certificate. Questioning the same, the present writ petition has been filed.

4. The issue of equivalence is to be decided by the Government. The Higher Education Department of Government of Tamil Nadu issued G.O(Ms)No.93, dated 30.05.2019, constituting the Equivalence Committee to go into such issues. After getting inputs from the Committee, the Government will pass final order. Therefore, by no stretch of imagination, the third respondent could take a call in the matter. To this extent, I would fault the impugned order.



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5. Be that as it may, the fourth respondent is directed to resubmit the proposal through proper channel to the Higher Education Department of Government of Tamil Nadu. After getting the recommendation from the Equivalence Committee, the Government will issue necessary order in the matter. I make it clear that I have not gone into the merits of the matter. It is for the Committee to offer its recommendations for the Government to pass appropriate order. It is not for this Court to enter into the merits of the matter at this stage.

6. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7. With this direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

11.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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