



W.P.(MD).Nos.3639 and 3640 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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**DATED : 19.10.2022
CORAM**

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.3639 and 3640 of 2014

K.Sangeetha

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai.
- 2.The Secretary to Government,
Ministry of Higher Education,
Secretariat,
Chennai.
- 3.The Secretary to Government,
Ministry of Collegiate Education,
St.George Fort,
Secretariat,
Chennai.
- 4.The Director,
Directorate of Collegiate Education,
Government of Tamil Nadu,
Chennai.
- 5.The Chairman,
Teacher Recruitment Board,
D.P.I. Compound,
College Road,
Chennai – 6.



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6. The Member Secretary,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
D.P.I. Compound,
College Road,
Chennai – 6.

7. The Registrar,
Bharathidhasan University,
Trichy-Pudukkottai Road,
Trichirappalli District.

8. The Registrar,
Madras University,
Beach Road,
Chennai.

9. The Chairperson,
The Board of Studies,
Department of Economics,
The Bharathidhasan University,
Trichirappalli District.

10. The Chairperson,
The Board of Studies,
Tamil Nadu State Council for Higher Education (TANSCHE),
Chennai.

11. The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records pertaining to the petitioner's impugned result of the mark and eligibility dated 28.01.2014 published by the sixth respondent as “NO” and “NOT EQUIVALENT SUBJECT” found in serial No:565 vide Roll No:1627647 pursuant to the call



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letter dated 14.11.2013 for certificate verification vide Refn:5112/A6/2012 based on the Notification No:4 of 2013 dated 28.5.2013 of the sixth respondent and quash the same as illegal, arbitrary, unjust, unconstitutional and improper construing the petitioner's educational qualification of M.A.(Applied Economics) as equivalent to M.A.Economics in accordance with the G.O(Ms)No:27 of 2014 dated 13.02.2014 of the first respondent and consequently directing the fifth and sixth respondents to include her name in the selection list of interview to be selected at the ratio of 1:5 by awarding nine (9) marks to the post of Assistant Professors in Government Arts and Science Colleges, Tamil Nadu Collegiate Educational Services, 2012 by considering the petitioner's representation dated 13.02.2014.

W.P.(MD).No.3640 of 2014:

R.Vithya

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
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The Bharathidhasan University,
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- 10.The Chairperson,
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11. The Secretary,
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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the petitioner's impugned result of the mark and eligibility dated 28.01.2014 published by the sixth respondent as “NO” and “NOT EQUIVALENT SUBJECT” found in serial No:564 vide Roll No:1627577 pursuant to the call letter dated 14.11.2013 for certificate verification vide Refn:5112/A6/2012 based on the Notification No:4 of 2013 dated 28.5.2013 of the sixth respondent and quash the same as illegal, arbitrary, unjust, unconstitutional and improper construing the petitioner's educational qualification of M.A.(Applied Economics) as equivalent to M.A.Economics in accordance with the G.O(Ms)No:27 of 2014 dated 13.02.2014 of the first respondent and consequently directing the fifth and sixth respondents to include her name in the selection list of interview to be selected at the ratio of 1:5 by awarding 17 marks to the post of Assistant Professors in Government Arts and Science Colleges, Tamil Nadu Collegiate Educational Services, 2012 by considering the petitioner's representation dated 13.02.2014.

(In both Writ Petitions)

For Petitioner	: Mr.R.Suresh Kumar
For R-1, R-4 R-9 and R-10	: Mr.J.John Rajadurai, Government Advocate.
For R-5, R-6 and R-7	: Mr.V.R.Shanmuganathan
For R-8	: Mr.S.Kadarkarai
For R-11	: Mr.J.Anand Kumar



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COMMON ORDER

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The Writ Petitions have been filed for Certiorarified Mandamus to quash the impugned result of the Mark and eligibility dated 28.01.2014 and consequently directing the fifth and sixth respondents to include the petitioners name in the selection list of interview to be selected at the ratio of 1:5 by awarding nine (9) marks and (17) marks respectively to the post of Assistant Professors in Government Arts and Science Colleges, Tamil Nadu Collegiate Educational Services, 2012 by considering their representation dated 13.02.2014.

2. The petitioner in W.P.(MD).No.3639 of 2014 belongs to Most Backward Class Community. She passed the degree of Bachelor of Arts in Economics in the year 1999 and passed degree of Master of Arts in Applied Economics in the year 2002 and thereafter passed Degree of Doctor of Philosophy in Economics in May, 2013. The petitioner was working as a Lecturer in Kunthavai Natchiyar Government Arts College (Autonomous), Thanjavur from July 2005 till date. Similarly, the petitioner in W.P.(MD).No. 3640 of 2014 belongs to Backward Class Community. She passed the degree of Bachelor of Arts in Economics in the year 2002 and thereafter, passed degree of Master of Arts in Applied Economics in the year 2002 and thereafter passed



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Degree of Doctor of Philosophy in Economics in the year 2005. The petitioners are working as a Lecturer in Kunthavai Natchiyar Government Arts College (Autonomous), Thanjavur from July 2005 till date.

3. The fifth respondent issued a Notification No.4/2013 dated 28.05.2013 to fill up the vacancy through Direct Recruitment to the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for the Government Arts and Science Colleges by the fifth and sixth respondents. The petitioners had applied to the said post. The post will be filled up on the basis of weightage marks to be awarded for the teaching experience and Higher Educational qualifications in the subject and marks to be awarded in the interview. The scheme of selection involves two stages. The first stage is certificate verification in which the candidates will be awarded marks for qualifications and for teaching experience. The second stage is interview and thereafter the candidates will be ranked subject-wise and then selection list will be prepared based on the total marks and communal roster. The candidates will be short listed for interview in the ration of 1:5 which will be conducted by the interview boards constituted by the TRB. The petitioners have received call letter for Certificate Verification to be held on 02.12.2013 and the petitioners appeared before the interview board along with their original educational



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certificates and other certificates for verification. The respondents denied the candidature of the petitioners by citing that the degree of M.A., Economics is not equivalent to M.A. Applied Economics. The respondents stated the candidature of the petitioners will be considered only after passing Government Order regarding equivalency. The respondents failed to take into consideration the Full Bench decision of the High Court pertaining to the equivalency which was rendered even prior to the year 2012. Since the petitioners' candidatures were not considered, the petitioners approached the fourth respondent, the Nodal Officer. In spite of the same, the petitioners' candidatures were not considered. In order to get relevant Government Orders for equivalency, the petitioners approached the Deputy Secretary /11th respondent who informed to approach the RND Office. The RND Office informed the petitioner that on 17.10.2013 itself, the communication was sent to the eighth respondent for equivalency subject of M.A. Applied Economics of Bharathidhasan University. Subsequently, the petitioners approached ERC Section / 8th respondent who informed the petitioners that steps have been taken for getting equivalency in the subject of M.A. Applied Economics. The petitioners were made to run from pillar to post. Since the petitioners' candidatures were declined through the impugned order, this Writ Petition came to be filed.



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4. The learned counsel appearing for the fifth respondent submitted that the issue of equivalency was considered by the Full Bench of this Court in the case of *Nadar Thangashubha Lakshman in W.P.(MD).No.16181 of 2013 dated 29.11.2013*, wherein, it was referred whether equivalency certificate is applicable only prospective so that the candidate would entitle for employment as Graduate Assistant in future. The Hon'ble Full Bench has held as under:

“25. In view of the above settled position and for the foregoing reasons, we hold that the equivalence certificate issued by the committee constituted by the Government declaring that the degrees obtained from one University is equivalent to the degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right from the date of issuance, therefore, with due respect to the Hon'ble Division Bench, the view taken in N.Geetha's case is incorrect. Accordingly, the reference is answered”.

5. The Full Bench has categorically held that it cannot be held to be only perspective in operation which means the equivalency is applicable for the retrospective period also. In such circumstances, the petitioners are entitled to the relief. Therefore, the impugned orders are set aside. The fifth respondent is directed to consider the case of the petitioners in the light of Hon'ble Full Bench order. If the petitioners are otherwise qualified, the petitioners name shall be included in the selection list. Thereafter, the appointing authorities shall consider the case of the petitioners and grant appointment orders within a



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period of four (4) weeks from the date of receipt of a copy of this order.

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6. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs.

19.10.2022

Index : Yes / No

Internet : Yes

Nsr

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S.SRIMATHY, J

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