



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.04.2022

DELIVERED ON : 02.06.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).Nos.845 and 871 of 2017

and

W.M.P(MD).Nos.703 to 705 and 725 of 2017

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W.P. (MD) .No.845 of 2017

R.Sakthivel

... Petitioner

Vs.

The Member Secretary,
Teacher Recruitment Board,
EVK Sampath Maligai,
4th Floor, DPI Compound,
College Road, Chennai-600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the final key answer issued by the respondent vide proceedings Nil and dated nil (Published in the internet) and quash the same as illegal in so far as it relates to question Nos.13, 16, 18, 28 and 124 are concerned and consequently direct the respondent to award 6 more marks in respect of the above referred questions to the petitioner in his roll No.14E02050023 in the examination dated 22.10.2016 as per the notification of the Direct Recruitment of Assistant Professor in Government Engineering Colleges 2013-2014 & 2014-2015 for the post of Assistant Professor in Mechanical Engineer.

For Petitioner : Mrs.Nalini Chidambaram

For Mr.S.Karthick

For Respondent : Mr.V.R.Shanmuganathan

W.P. (MD) .No.871 of 2017

R.Sakthivel

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort.St.George,
Chennai-600 009.



- 2.The Equivalence Committee,
Through its Chairman,
Having Office at
Tamil Nadu Public Service Commission,
Chennai.
- 3.The Tamil Nadu Public Service Commission,
Through its Secretary,
Frazer Bridge Road,
Park Town, Chennai-600 003.
- 4.The Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai.
- 5.The Director of Technical Education,
Directorate of Technical Education (DOTE),
53, Sardar Patel Road,
Guindy, Chennai-600 025.

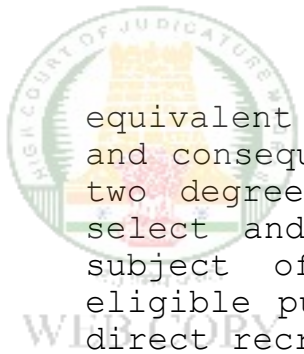
... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Declaration, declaring the G.O.Ms.No.217, Higher Education (J1) Department, dated 24.07.2015, declaring the degree of B.E. Mechatronics Engineering awarded by Anna University as not equivalent to B.E.Mechanical Engineering as illegal and arbitrary and consequently direct the respondents 1 and 2 to declare the said two degrees as equivalent, accordingly direct the respondents to select and appoint the petitioner as Assistant Professor in the subject of Mechanical Engineering, if petitioner is otherwise eligible pursuant to the notification of the fourth respondent for direct recruitment of Assistant Professors in Government Engineering Colleges 2013-2014 & 2014-2015 in vide Advertisement No.3/2014, dated 16.07.2014.

For Petitioner	: Mrs.Nalini Chidambaram
	For Mr.S.Karthick
For R1, R2, R5	: Mr.V.Omprakash
	Government Advocate (Civil Side)
For R3	: Mr.V.Panneer Selvam
	Standing Counsel
For R4	: Mr.V.R.Shanmuganathan

COMMON ORDER

W.P. (MD).No.871 of 2017 has been filed for a writ of Declaration to declare the G.O.Ms.No.217, Higher Education (J1) Department, dated 24.07.2015, declaring the degree of B.E. Mechatronics Engineering awarded by Anna University as not



equivalent to B.E. Mechanical Engineering as illegal and arbitrary and consequently direct the respondents 1 and 2 to declare the said two degrees as equivalent, accordingly direct the respondents to select and appoint the petitioner as Assistant Professor in the subject of Mechanical Engineering, if petitioner is otherwise eligible pursuant to the notification of the fourth respondent for direct recruitment of Assistant Professors in Government Engineering Colleges 2013-2014 & 2014-2015 in vide Advertisement No.3/2014, dated 16.07.2014.

2. W.P.(MD).No.845 of 2017 has been filed for a writ of Certiorarified Mandamus to call for the records relating to the final key answer issued by the respondent vide proceedings Nil and dated nil (Published in the internet) and quash the same as illegal in so far as it relates to question Nos.13, 16, 18, 28 and 124 are concerned and consequently direct the respondent to award 6 more marks in respect of the above referred questions to the petitioner in his roll No.14E02050023 in the examination dated 22.10.2016 as per the notification of the Direct Recruitment of Assistant Professor in Government Engineering Colleges 2013-2014 & 2014-2015 for the post of Assistant Professor in Mechanical Engineer.

3. The brief facts of the case are that the petitioners have acquired the qualifications of SSLC, HSC, B.E., M.E., and Ph.D. The petitioners has experienced as JAVA Programmer from 21.09.2012 to 31.07.2013. The petitioners have achieved in sports and games. The petitioners applied for the post of Assistant Professor in the Department of Mechanical Engineering for the academic year 2013-2014 and 2014-2015 on 31.08.2016. The petitioners attended the examination held on 22.10.2016. However, the petitioners' name was not considered in the next stage of recruitment process. On enquiry, the petitioners came to know that B.E. Mechatronics is not equivalent to the B.E. Mechanical and therefore, the petitioners' name was not considered.

4. The contention of the petitioners is that the said two degrees cannot be said to be "not equivalent". The 86% of the syllabus of both the degrees are one and the same. The B.E., Industrial Engineering and B.E. Manufacturing Technology (P.T.) is declared as equivalent to B.E. Mechanical Engineering Vide G.O.Ms.No.183, (P & AR) Department, dated 06.06.1995 and G.O.Ms.No.9, Engineering (B2) Department, dated 28.01.2010, where the syllabus of those two subjects 68% and 54% of the syllabus of B.E. Mechanical and whereas B.E. Mechatronics contain 84% of the syllabus of B.E. Mechanical. Even according to the respondents the B.E. Mechatronics contain 84% of the syllabus of B.E. Mechanical.

5. The fourth respondent has filed counter in W.P.(MD).No.871 of 2017, stating that the Teachers Recruitment Board has issued Notification No.3 of 2014, dated 16.07.2014 for the direct recruitment of Assistant Professors in Government Engineering Colleges for the



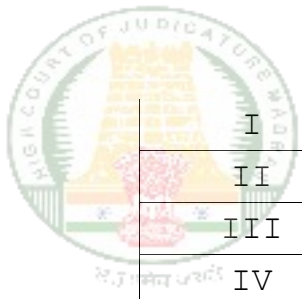
year 2013-2014 and 2014-2015. The Board conducted written examination on 22.10.2016. The petitioners secured 124 marks in the written examination and therefore called for certificate verification. At the time of certificate verification, it was noticed that the petitioners were in possession of B.E. Mechatronics, which was declared as not equivalent in G.O.Ms.No.217 Higher Education (J1) Department dated 24.07.2015 in the prospectus under caption equivalent subjects is mentioned as follows the candidate should apply for the relevant subject. If a candidate claims that the educational qualification in the subject possessed by the candidate is equivalent to any one of the above mentioned subjects, the appointing authority will decide the equivalence at the time of appointment. The acceptance or rejection of such claims is vested with Directorate of Technical Education. Since the Higher Education Department has declared B.E. Mechatronics is not equivalent to B.E., Mechanical Engineering, he was not considered for selection.

6. The Board issued notification calling for application for the direct recruitment of Assistant Professor of Engineering Colleges on 16.07.2014 itself. The petitioners have not challenged the notification at the initial stage itself and filed this writ petition after a lapse of two years. The petitioners have knowingly applied for the recruitment of Assistant Professor (Engineering Colleges) without acquiring prescribed qualification. The Board has followed the Rules/Government orders issued by the User Department in the matter of qualification and other eligibility criteria. The similar matter of equivalence of subject was dealt with by this Court in W.A.(MD).Nos.301 and 302 of 2016 dated 22.03.2016.

7. The reliance placed upon the reports of the Board of Studies of Different Universities is of no consequence. The syllabus of various courses in different universities differ. Therefore, merely because one university holds one degree as equivalent to another, the same principle cannot be extended to other universities. The judicial review under Article 226 over the recommendations of the Equivalence Committees is very limited. Therefore, the fourth respondent prayed for the dismissal of the present writ petition.

8. The respondents 1 and 5 in W.P.(MD).No.871 of 2017 filed counter stating that the faculty of Mechanical Engineering, Anna University vide his Letter No.001/FME/2014 has stated that comparing the B.E. Mechanical Engineering and B.E. Mechatronics Engineering syllabi, it was found that there was very little emphasis on thermal science subject in the case of B.E. Mechanical Engineering thermal Science subjects constitutes one third of total syllabi. Overall approximately only 50% of syllabi is common for both the courses. The comparative statement of B.E. Mechanical Engineering and B.E. Mechatronics Engineering curriculum semester wise is as follows:

Semester	B.E. Mechatronics Engineering
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I	Same as Mechanical Engineering
II	11% Different from Mechanical Engineering
III	22% Different from Mechanical Engineering
IV	75% Different from Mechanical Engineering
V	75% Different from Mechanical Engineering
VI	100% Different from Mechanical Engineering
VII	62% Different from Mechanical Engineering
VIII	60% Different from Mechanical Engineering

9. The Tamil Nadu Public Service Commission in its 51st Equivalence Committee Meeting held on 25.03.2015 forwarded the resolution passed on Agenda No.14 and recommended as follows for the purpose of employment in public services,

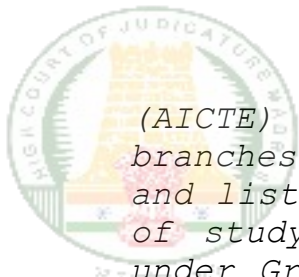
"Consideration of B.E. Mechatronics Engineering awarded by Anna University is not equivalent to B.E. Mechanical Engineering. It was the procedure in practice, only if 75% above are equivalent, the course equivalency certificate was given."

10. The Director, Centre for Academic Courses, Anna University vide Letter No.3288/AUC/CAC/2017, dated 11.12.2017 has stated as follows:

"A group of University Departments concerned with a major division of knowledge is called the Faculty. In this context, the All India Council for Technical Education has listed out the Major/Core Branch Engineering/Technology and their relevant/appropriate courses leading to degree in Engineering/Technology for recruitment to teaching positions vide F.No.27/RIFD/Pay/01/2017-18 dated 28th April 2017. In this it is stated that the major branch represents the Faculty and the core branch represents the Department which offers the Under Graduate and Post-Graduate programmes in Engineering/Technology. As far as All India Council of Technical Education concerned, under the major Branch of Mechanical Engineering, the Core branches are

- (I) Mechanical Engineering*
- (ii) Production Engineering*
- (iii) Automobile Engineering*
- (iv) Industrial Engineering*
- (v) Mechatronics Engineering*

The Curriculum and syllabi of the B.E. and M.E. Programmes offered under each core branch are different except the common courses. Therefore, the qualification for the teachers for every core branch must be relevant to the branch of study at the under-graduate and the post-graduate level. Based on the



(AICTE) has clearly specified the major branch and the core branches under each Major Branch of study in its notification and listed out the corresponding relevant Under Graduate Branch of study and the Post Graduate Branch of study for relevant under Graduate Branch of study and the Post Graduate Branch of study for the respective core branches. Accordingly, under Mechanical Engineering a major branch of study, the Mechanical Engineering, a Core Branch of study is listed and also listed out the relevant under Graduate programmes and Post Graduate programme for the core branch of Mechatronics Engineering and not for the core branch in Mechanical Engineering. Therefore, B.E./B.Tech Programmes listed under core branch Mechatronics Engineering and not for Mechanical Engineering".

Therefore, the respondents 1 and 5 prayed for the dismissal of the present writ petition.

11. Heard Mrs.Nalini Chidambaram, the learned Senior Counsel for Mr.S.Karthick appearing for the petitioners, Mr.V.Omprakash, Government Advocate (Civil Side), Mr.V.Panneer Selvam, the learned counsel for TNPSC and Mr.V.R.Shanmuganathan the learned counsel for TRB and perused the materials on record.

12. The learned Senior Counsel appearing for the petitioners submitted that the issue of equivalency for B.E. Mechanical and B.E. Mechatronics Engineering was considered in W.P.No.7158 of 2016, vide order dated 29.02.2016, wherein, the recruitment for the post of Assistant Professor in the Department of Mechanical Engineering was considered. The Anna University has already issued the notification in Advertisement No.001/PR.15/2014 dated 07.01.2014 by including the qualification of Mechatronics Engineering for recruitment to the post of Assistant Professor in the Department of Mechanical Engineering of its University. The Government cannot go against the decision taken by Anna University in treating B.E. Mechatronics Engineering as equivalent to Mechanical Engineering. Therefore, Principal Seat of this Court disposed the aforesaid writ petition with a direction to the respondents 1 and 2 to consider the representation of the petitioners, in the light of the communication issued by the Anna University.

13. As far as the acceptance of key answers are concerned, the issue was already considered in W.P. Nos. 4682 of 2015 etc., batch this Court vide order dated 25.10.2016 has held that the expert committee has submitted a report and the petitioner has not challenged the report. In such circumstances the writ petitions filed in W.P. Nos. 4682 of 2015 etc., batch was dismissed. Therefore this Court is of the considered view that the issue raised in this writ petition was already considered by the Expert Committee and the petitioners have not challenged the report of the expert committee.



14. The learned Senior Counsel for the petitioners relied on All India Council for Technical Education (AICTE), wherein, it was declared the Major / Core Branch Engineering / Technology and relevant branch of Under Graduate / Post Graduate degree in Engineering/Technology. Under Mechanical Engineering, there were core branches which reads as under:

Mechanical Engineering	Production Engineering	Automobile Engineering	Industrial Engineering	Mechantronics Engineering
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The AICTE is the appropriate authority to fix qualification for the post, wherein the AICTE has fixed Mechantronics Engineering as one of the qualification to be appointed to the post of Mechanical Engineering

15. The same issue was considered by this Court in W.P.No.28040 of 2017 etc., batch vide order dated 13.06.2018 in Paragraph 17 has held that AICTE has considered the qualification and declared five branches under Mechanical Engineering. The AICTE is the authority for overall level, the State Government have accepted and adopted the regulations issued by the AICTE, the State Government have no option to follow the same in strict adherence. In other words, the State Government is estopped from prescribing different educational qualification for appointment to the post of Lecturers in Diploma Level Polytechnic, other than that of the educational qualification prescribed by the AICTE in its regulations. This Court has already considered the said Notification No.4 of 2017 dated 16.06.2017 whereby, this Court vide order dated 05.07.2017 has held as under:

"21. More so, the pleadings were completed and all the parties in the writ petition are present and submitted their arguments and the learned Additional Advocate General also submitted his valuable points on behalf of the Government. Now, the core point to be decided is that whether the notification impugned in this writ petition dated 16.06.2017 is to be proceeded with or not. The factum of this case, that it is not only the case of violation of the standard of qualification prescribed by the AICTE, but it is the case where the State Government has accepted and adopted the regulations issued by the AICTE. After accepting the educational qualifications fixed by the AICTE, the State Government has no option except to follow the same in strict adherence. **In other words, the State Government is estopped from prescribing different educational qualification for appointment to the post of Lecturers in Diploma level Government Polytechnic, other than that of the educational qualification prescribed by the AICTE in its regulations.** Such being the view of this Court, the notification deserves to be cancelled and a



fresh exercise ought to have been undertaken by notifying the qualifications as prescribed by AICTE and as accepted by the State Government vide its G.O.(Ms) No.111, Higher Education (C2) Department, dated 25.05.2010. Accordingly, this Court is inclined to consider the merits in this writ petition and the notification issued by the respondents on 16.06.2017 is quashed and the respondents are directed to issue a fresh notification incorporating the educational qualifications prescribed under the Pay Scales, Service Conditions and qualifications for the Teachers and other academic staff in Technical Institutions (Diploma) Regulations 2010, within a period of two weeks from the date of receipt of copy of this order. The candidates applied pursuant to the notification dated 16.06.2017 need not submit their applications once again and the application already received shall be considered.

Accordingly, this writ petition stands allowed. However, there is no order as to costs. Consequently, connected M.P.s are closed."

16. Therefore, considering the order by this Court, this Court is of the opinion that B.E. Mechanical is the "Major Discipline of Engineering Technology" and B.E. Mechatronics is the correspondent courses of Engineering Technology and both are considered as equivalent by AICTE. Since the State Government has accepted and adopted the regulations issued by the AICTE, therefore the G.O.Ms.No.217 issued by the State Government is against the regulations of AICTE and hence the G.O. Ms. No. 217 is set aside. The respondents are directed to consider the candidature of the petitioners to the post of Mechanical Engineering, if the petitioner is otherwise eligible pursuant to the notification, dated 16.07.2014, then the respondents shall issue appointment letter to the petitioners. The said exercise shall be completed within a period of four weeks from the date of receipt of copy of this order.

17. With the above direction, W.P.(MD).No.871 of 2017 stands allowed. As far as the W.P.(MD).No.845 of 2017 is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

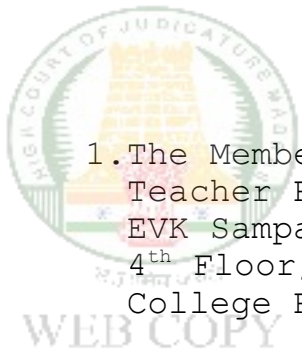
Sd/-

Assistant Registrar (C.O)

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/ /2022

Sub Assistant Registrar(CS)



- 1.The Member Secretary,
Teacher Recruitment Board,
EVK Sampath Maligai,
4th Floor, DPI Compound,
College Road, Chennai-600 006.
- 2.The Secretary,
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53, Sardar Patel Road,
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Chennai-600 025.

+1CC to Spl. Government Pleader SR-24290

W.P(MD)Nos.845 and 871 of 2017
02.06.2022

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