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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2138 of 2021

Bala Sundar C

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Pollution Control Board (TNPCB),
No.76, Mount Road,
Guindy, Chennai 600 032.

2.The Director,
Centre for Academic Courses,
Anna University, Guindy,
Chennai 600 025.

3.The Secretary,
Department of Higher Education,
Department of Collegiate Education,
Government of Tamil Nadu,
Chennai 600 006.

... Respondents

PRAYER : This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 2 and 3 to issue requisite Government Order to the effect that B.Tech. Petroleum Refining and Petrochemicals awarded by Anna University is equivalent to B.Tech Chemical Engineering awarded by Anna University and consequently, direct the 1st respondent to include B.Tech.Petroleum Refining and Petrochemicals awarded by Anna University as a required basic qualification for selection to the post of Assistant Engineer in the Tamil Nadu Pollution Control Board, as notified under Notification



No.01/2019 dated 06.03.2019 which has been notified afresh under notification No.02/2019 dated 05.03.2020 and consider the petitioner for selection to the said post of Assistant Engineer.

For Petitioner : Mr.M.Yokesh

For Respondents : Mrs.Vijayakumari Natarajan for R1
Mr.T.Arunkumar, AGP for R3
No appearance for R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 2 and 3 to issue requisite Government Order to the effect that B.Tech. Petroleum Refining and Petrochemicals awarded by Anna University is equivalent to B.Tech Chemical Engineering awarded by Anna University and consequently, direct the 1st respondent to include B.Tech.Petroleum Refining and Petrochemicals awarded by Anna University as a required basic qualification for selection to the post of Assistant Engineer in the Tamil Nadu Pollution Control Board, as notified under Notification No.01/2019 dated 06.03.2019 which has been notified afresh under notification No.02/2019 dated 05.03.2020 and consider the petitioner for selection to the said post of Assistant Engineer.



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2. Heard Mr.M.Yokesh, learned counsel for the petitioner, Mrs.Vijayakumari Natarajan, learned counsel for R1 and Mr.T.Arunkumar, learned Additional Government Pleader for R3.

3. The petitioner is aggrieved due to the notification No.01/2019 dated 06.03.2019 wherein, the Tamil Nadu Pollution Control Board had called for applications for certain posts. The petitioner is said to be possessing a qualification of B.Tech. Petroleum Refining and Petrochemical and M.Tech. Environmental Science and Technology awarded by Anna University. Therefore, the petitioner had applied for the post of Assistant Engineer. The petitioner became eligible for attending the interview as he had cleared his online examination on 11.10.2020. The petitioner was called to attend interview on 06.11.2020. But while verifying the certificates of the petitioner, he was informed that the degree acquired by the petitioner does not fit into the basic educational eligibility prescribed by the first respondent. Therefore, the petitioner is before this Court.



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4. The learned counsel for the petitioner attracted the attention of this Court to G.O.Ms.No.157, Higher Education (J1) Department dated 27.08.2013 wherein it is shown that M.Tech Petroleum Refining and Petrochemicals is equivalent to M.Tech Chemical Engineering and *vide* G.O.Ms.No.284, Higher Education (J1) Department, dated 03.10.2017, B.Tech Petrochemical Technology Degree awarded by Anna University is considered to be equivalent to B.E.Chemical Engineering for the purpose of employment in Public Services.

5. The petitioner has secured B.Tech degree in Petroleum refining and Petrochemical and M.Tech in Environmental Science and Technology. Despite G.O.Ms.No.284 dated 03.10.2017 has been issued by considering B.Tech Petrochemical Technology degree awarded by Anna University is equivalent to B.E. Chemical Engineering for the purpose of public employment, for the reasons best known to the respondents, the said qualification is not prescribed in the notification.

6. The educational qualification as prescribed in the notification would show that a person should possess bachelor degree in Civil



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Engineering or Chemical Engineering. The petitioner with a fond hope that his degree in B.Tech Petroleum refining and Petrochemical, in view of the earlier Government Order issued in this regard, would be considered equivalent, had applied for the post and he has come to the level of interview.

7. The learned counsel for the first respondent submitted that G.O.Ms.No.4, Higher Education (J1) Department, dated 07.01.2022 recommended that B.E. Petro Chemical Engineering is equivalent to Chemical Engineering; however, it is in deviation of Tamil Nadu Pollution Control Board Service Regulation; the petitioner had mistakenly stated in his online application that he is having a degree in Chemical Engineering instead of stating it as a degree in B.Tech Petroleum Refining and Petrochemical Technology; pursuant to the order of this Court dated 21.04.2022, a selection list was released and appointment orders were also issued to the selected candidates. As of now, the selection is over and all the posts have been filled up and hence this Writ Petition itself has become infructuous.



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8. If for any reasons known to the first respondent G.O.Ms.No.4 dated 07.01.2022 is not compatible to Tamil Nadu Pollution Control Board in view of their Service Regulation, the rightful course open to the first respondent is to amend the Service Regulation in accordance with the Government Orders issued by equating B.Tech Petroleum Refining and Petrochemical Technology with B.E. Chemical Engineering. Since the Government itself has categorically accepted that B.Tech Petroleum Refining and Petrochemical Technology is equivalent to B.E. Chemical Engineering for the purpose of public employment, the first respondent ought to have considered the educational qualification of the petitioner and sought ratification for the amendment of the Service Regulations. But the first respondent has simply stated that the above Government Orders are not applicable to the Service Regulations of Tamil Nadu Pollution Control Board.

9. When the Government has taken a decision, that will bind all those who recruit candidates through the channel of public employment. It is unfortunate that the first respondent without considering the



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petitioner's submission had completed the selection process and released the selected list of candidates. The petitioner has sought two directions.

One is against the second and third respondents to issue Government Orders to consider B.Tech Petroleum refining and Petrochemicals awarded by Anna University is equivalent to B.Tech Chemical Engineering awarded by Anna University and the second one is to direct the first respondent to consider him for selection. The second and third respondents have already done that exercise and had issued Government Orders. Hence no more direction is necessary against the second and third respondents in this regard. It is only the first respondent who did not consider the earlier Government Orders issued in this regard.

10. Apart from the Government Order relied by the petitioner, the first respondent himself admits that there are also Government Orders issued in 2022, vide G.O.Ms.No.4 dated 07.01.2022. For any reason the first respondent considers that the above Government Order is contrary to his Service Regulations, he has to seek exemption through the same Government channel and cannot reject the claim of the petitioner who is



qualified with B.Tech Petroleum Refining and Petrochemicals which is already accepted by the Government as equivalent to B.E.Chemical Engineering.

11. Now much water has flown under the bridge as the selection process is already over and the appointment orders were issued for all the posts for which applications were called for. Atleast for future employment, the first respondent should not deny that B.Tech Petroleum Refining and Petrochemicals is not equivalent to B.E.Chemical Engineering. So it is upto the petitioner to wait for any future notification and try his luck.

12. With the above observations, this Writ Petition is disposed and it is upto the petitioner to apply for any future notifications and try his luck. No costs.

14.12.2023

Index : Yes
Internet : Yes/No
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To
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R.N.MANJULA, J.

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