



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 04..08..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition Nos.5470, 5732, 9326 & 9464 of 2023
and

W.M.P.Nos.5514, 5515, 5733,5735, 9419, 9420, 9539 & 9540 of 2023

W.P.No.5470 of 2023:

J.George Christoper Jesu

..... Petitioner

-Versus-

Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar
Dr.M.G.R. Centenary Building,
DPI Campus, College Road,
Chennai 600 006.
Respondents

.....

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating to the provisional selection list – current vacancies dated 13.10.2022 for direct recruitment for the post of Post Graduate Assistant in Physics withholding the selection of the petitioner for want of equivalence Government Order for under Graduate degree in Physics from Gujarat University and to quash the same and consequently direct the respondent to select the petitioner for the post of Post Graduate Assistant in Physics pursuant to Advertisement No.01/2021, dated 09.09.2021 base don M.Sc., degree secured by the petitioner in physics with more than 50% marks from



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

Bharathidasan University and B.Ed., degree secured by the petitioner with more than 50% marks from Tamil Nadu Teachers Education University within a time frame to be fixed by this court.

W.P.No.5732 of 2023:

C.Thannasi

..... Petitioner

-Versus-

Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar
Dr.M.G.R. Centenary Building,
DPI Campus, College Road,
Chennai 600 006.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating the provisional selection list dated 31.07.2022 for the subject physics for direct recruitment for the post of Lecturers in Government Polytechnic Colleges coming under the Tamil Nadu Educational Service insofar as it withheld the selection of the petitioner with Roll No.19PT1303005490 for the post of Lecturer in Physics in Government Polytechnic Colleges and quash the same and consequently direct the respondent to select the petitioner for the post of Lecturer in Physics in Government Polytechnic Colleges coming under the Tamil Nadu Educational Service pursuant to Advertisement No.14 of 2019, dated 27.11.2019 under General Turn 10 based on the M.Sc., degree secured by the petitioner in Physics with more than 60% marks from Bharathiar University within a time frame to be fixed by this court.

W.P.No.9326 of 2023:



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

C.Thannasi

..... Petitioner

-Versus-

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

2.Equivalence Committee,
Tamil Nadu State Higher Education Council,
Rep. by its Vice Chairman,
Lady Wellington College Campus,
Kamarajar Salai, Triplicane,
Chennai 600 005.

3.Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar
Dr.M.G.R. Centenary Building,
DPI Campus, College Road,
Chennai 600 006.

4.Bharathiar University,
Rep. by its Registrar,
Maruthamalai Road,
Coimbatore 641 046.

5.Calicut University,
Rep. by its Vice-Chancellor,
Tirur – Calicut Road,
Thenhipalam,
Kerala – 673 635.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to G.O.(Ms) No.36, Higher Education (K1) Department, dated 15.02.2023 issued by the 1st respondent and to quash the same insofar as Serial No.37 of the said Government Order is concerned and consequently issue a direction directing



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

the 2nd respondent to recommend to the 1st respondent that B.Sc., Physics offered by Calicut University is equal to B.Sc., Physics for the purpose of employment in public services to enable the 3rd respondent to select the petitioner for the post of Post Graduate Assistant in Physics pursuant to Notification No.14/2019, dated 27.11.2019 issued by the 3rd respondent.

W.P.No.9464 of 2023:

J.George Christoper Jesu

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai 600 009.
- 2.Equivalence Committee,
Tamil Nadu State Higher Education Council,
Rep. by its Vice Chairman,
Lady Wellington College Campus,
Kamarajar Salai, Triplicane,
Chennai 600 005.
- 3.Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar
Dr.M.G.R. Centenary Building,
DPI Campus, College Road,
Chennai 600 006.
- 4.Bharathidasan University,
Rep. by its Registrar,



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

Khajamalai Campus,
Tiruchirappalli 620 023.

WEB COPY

5.St. Xavier's College,
Affiliated to Gujarat University,
Urajmal Zaveri Road,
Navrangpura,
Ahmedabad,
Gujarat – 380 009.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to G.O.(Ms) No.36, Higher Education (K1) Department, dated 15.02.2023 issued by the 1st respondent and to quash the same insofar as Serial No.36 of the said Government Order is concerned and consequently issue a direction directing the 2nd respondent to recommend to the 1st respondent that B.Sc., (Special) Physics offered by St. Xavier's College affiliated to Gujarat University is equal to B.Sc., Physics for the purpose of employment in public services to enable the 3rd respondent to select the petitioner for the post of Post Graduate Assistant in Physics pursuant to Notification No.01/2021, dated 09.09.2021 issued by the 3rd respondent.

For Petitioner : *Mrs.S.Nalini Chidambaram*
Senior Counsel for Mrs.C.Uma
for petitioner in all WPs



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

WEB COPY

*For Respondents : Mr.R.Siddharth,
Standing Counsel for
the sole respondent (TRB) in
W.P.Nos.5470 & 5732 of 2023 &
R3 in W.P.Nos.9326 & 9464 of
2023*

*Mr.P.Baladhandayutham,
Spl. Government Pleader for RR1
& 2 in W.P.Nos.9326 & 9464 of
2023*

*Mr.C.Vigneswaran for R4
in W.P.No.9326 of 2023*

*Mr.V.Govardhan for
M/s.Row and Reddy for R4
in W.P.No.9464 of 2023*

*Mr.Adithya Reddy for R5
in W.P.Nos.9326 of 2023 &
W.P.No.9464 of 2023*

COMMON ORDER

(i) W.P.Nos.5470 of 2023 is filed challenging the Provisional Selection List (current vacancies) dated 13.10.2022 for direct recruitment to the post of Post Graduate Assistants in Physics whereunder the name of the petitioner has been withheld for want of equivalent certificate from the Government for B.Sc., degree obtained from Gujarat University and seeking a consequential relief of direction to the respondent to select and appoint the petitioner in the post of



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

Graduate Assistant (Physics) based on M.Sc., degree secured from Bharathidasan University and B.Ed., degree obtained from Tamil Nadu Teachers Education University;

(ii) W.P.No.5732 of 2023 is filed challenging the Provisional Selection List dated 31.07.2022 for direct recruitment to the post of Lectures in Government Polytechnic Colleges whereunder the name of the petitioner has been withheld for want of equivalent certificate from the Government for B.Sc., degree obtained from Calicut University based on the M.Sc., degree secured by the petitioner in Physics from Bharathiar University and seeking a consequential relief of direction to the respondent to select and appoint the petitioner in the post of Lecturer in Physics in Government Polytechnic Colleges based on the M.Sc., degree secured by the petitioner in Physics from Bharathiar University;

(iii) W.P.No.9326 of 2023 is filed challenging the government order issued by the 1st respondent in G.O.(Ms) No.36, Higher Education (K1) Department, dated 15.02.2023 whereby B.Sc., Physics awarded by Calicut University was considered and not approved as equivalent to B.Sc., Physics for the purpose of employment in public service in the State and seeking a consequential direction to the 2nd respondent to recommend to the 1st respondent



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

that B.Sc., Physics offered by Calicut University is equal to B.Sc., Physics for the purpose of employment in public services to enable the 3rd respondent to select the petitioner for the post of Post Graduate Assistant; and

(iv) W.P.No.9464 of 2023 is filed challenging the government order issued by the 1st respondent in G.O.(Ms) No.36, Higher Education (K1) Department, dated 15.02.2023 whereby B.Sc., (Special) Physics awarded by Gujarat University was considered and not approved as equivalent to B.Sc., Physics for the purpose of employment in public service in the State and seeking a consequential direction to the 2nd respondent to recommend to the 1st respondent that B.Sc., (Special) Physics offered by St. Xavier's College affiliated to Gujarat University is equal to B.Sc., Physics for the purpose of employment in public services to enable the 3rd respondent to select the petitioner for the post of Lecturer in Physic in Government Polytechnic Colleges.

2.1. The case of the writ petitioner in W.P.No.5470 of 2023 is that the educational qualifications for the post of PG Assistant in Physics is (a) Post Graduate with at least 50% marks (or its equivalent) and Bachelor of Education (B.Ed.,) from a recognized University. The B.Ed., degree should be in accordance with National Council for Teacher Education norms and standard or



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

(b) Post Graduate with atleast 45% marks (or its equivalent) from recognized University and Bachelor of Education (B.Ed) from National Council for Teacher education recognized institution in accordance with National Council for Teacher Education; or (c) Post Graduate with atleast 50% marks (or its equivalent) and B.A., Ed / B.Sc., B.Ed., from a recognized University **AND** (2) Must have obtained a Bachelor's degree and Master's degree in the same Subject or their equivalent in respect of which recruitment is made.

2.2 The petitioner fulfilled the educational qualification prescribed in the notification under clause 5(e) sub clause (a) and additional qualification prescribed clause 5(e) (2) of the notification for the post of PG Assistant in Physics. He obtained UG degree from Gujarat University however in the same subject. The notification issued by the TRB does not refer to the equivalence of UG degree to the degree from Tamil Nadu for appointment to public service. Therefore, the respondent was not legally right in withholding the selection of the petitioner to the post of PG Assistant in Physics noting remarks “withheld – Equivalence G.O. For UG Degree to be submitted B.Sc., Physics (Special) – 2014 Gujarat University”. Hence, the present writ petition.

3.1. The case of the writ petitioner in W.P.No.5732 of 2023 is that the



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

educational qualification prescribed for the post of Lecturer in Physics in Government Polytechnic Colleges under clause 6 (b) (2) of the advertisement for non-engineering subjects is a first class Master's degree in the appropriate branch of study.

3.2. The petitioner fulfilled the educational qualification prescribed in clause 6(b) (2) of the advertisement. The notification issued by the respondent does not refer to equivalence of UG degree to UG degree from Tamil Nadu for appointment to public service. Therefore, the respondent was not legally right in withholding the selection of the petitioner to the post of Lecturer. Hence, this writ petition.

4. The writ petitions in W.P.Nos.9326 & 9464 of 2023, as stated already, challenge the Government Order which did not recognize B.Sc., Physics and B.Sc., (Special) Physics degrees obtained by the petitioners respectively from the other States as equivalent to that of the B.Sc., Physics degrees awarded in the State of Tamil Nadu.

5.1. The learned senior counsel for the petitioners would submit that as per the notification, the educational qualifications for the post PG Assistant in academic subjects is only PG with atleast 50% of marks or its equivalent and B.Ed., from a recognized university and as per sub clause (2) of Clause 5(e),



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

the candidate must have obtained a bachelor's degree and master's degree in the same subject or their equivalent in respect of which recruitment is made.

According to her, the notification clearly stipulated that a candidate must have obtained Bachelor's degree and Master's degree in the same subject or its equivalent. Thus, insofar as W.P.No. 5470 of 2023 is concerned, the petitioner has qualified in Bachelor's and Master's degrees in Physics and he is entitled to be appointed as Post graduate Assistant (Physics) and the selection of the petitioner cannot be withheld for want of equivalence certificate from the Government of Tamil Nadu.

5.2. Insofar as the writ petition in W.P.No.5470 of 2023 is concerned, according to the learned senior counsel, the notification clearly stipulated that for the post of Lecturer in non-Engineering subject, a candidate must have obtained a first class master's degree in the appropriate branch of study and the petitioner has qualified for Master's degree in first class. Hence he is entitled to be appointed as Lecturer in Non-engineering (Physics) and the selection of the petitioner cannot be withheld for want of equivalence certificate from the Government of Tamil Nadu.

6. The learned counsel appearing for the respective respondents would



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

strongly oppose the writ petitions stating that the bachelor's degree in subject obtained by the petitioners from the other university were not considered as equivalent to that of the degree awarded by the university in the State.

7. I have considered the rival submissions and also perused the records carefully.

8. The grievance of the petitioners is that they obtained B.Sc., degree in the subject from Gujarat University and Calicut University respectively and those universities have got approval from the UGC and on the basis of that bachelor's degree, they acquired M.Sc., degree in the same subject from the Bharathidasan University and Bharathiar University respectively. Therefore, as per the notification, the TRB cannot withhold their results for want of equivalence certificate. Challenge is also made to the Government Order which declined to accord the status of equivalence certificate for the degree obtained by the petitioners from the universities in the other States.

9. A perusal of the notification dated 09.09.2021 makes it clear that for the post of Post Graduate Assistant (Physics), the primary qualification is Master's degree in Physics with atleast 50% marks or its equivalent and B.Ed., from the recognized university. The primary educational qualifications prescribed would form as one single unit and the condition No.2 after the word



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

'AND' "must have obtained a Bachelor's degree and Master's degree in the same subject or their equivalent in respect of which recruitment is made".

Therefore, when the primary requirement of educational qualifications as per clauses (a) or (b) or (c) have not been fulfilled by the petitioner (W.P.No.5470 of 2022), he cannot now take the advantage of the subsequent clause that candidate must have obtained a bachelor's degree and master's degree in the same subject or their equivalent in respect of which recruitment is made. The word 'AND' found in the notification is a only conjunctive and should not be read as disjunctive. Only when the primary requirements as required under clause (a) or (b) or (c) is met, the petitioner could be considered for appointment. The petitioners claimed that they obtained UG degree from Gujarat University and Calicut University respectively and based on such degree, they obtained PG degree from the Universities in Tamil Nadu namely, Bharathiar University and Bharathidasan University respectively. But, their UG degree are not considered as equivalent to B.Sc., Physics degree for the purpose of employment in public services.

10. Similar is the case of the petitioner in W.P.No.5732 of 2023 who applied for the post of Lecturer (Non-Engineering subjects). Though he had obtained first class master's degree in Physics from Bharathiar University, UG



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

degree was obtained from Calicut University and therefore, he was not considered for appointment for want of equivalence certificate in respect of UG degree.

11. It is relevant to note that UG degree obtained from Gujarat University was found to be not equivalent for the purpose of employment in public services under G.O.(MS) No.36, Higher Education (K1) Department dated 15.02.2023 whereunder the Government of Tamil Nadu has refused to accord status of equivalence to B.Sc., (Special) Physics degree awarded by Gujarat University and B.Sc., Physics degree awarded by Calicut University. When the primary requirement as per the notification was not met by the respective petitioners, they cannot as a matter of right seek an appointment.

12. It may be appropriate to refer to a judgement of a Full Bench of this Court in **Nadar Thanga Shubha Laxman. A v. State of Tamil Nadu [2014 (3) SCC 433]** on the issue of equivalence certificate wherein this court 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



WEB COPY



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

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.”

13. In view of the above discussions, the writ petitions in W.P.Nos.5470 and 5732 of 2023 deserve only to be dismissed as the petitioner UG degrees were not considered as equivalent to degree in Tamil Nadu for the purpose of employment in public service. Therefore, this court of the view that TRB was right in withholding the results of the respective petitioners awaiting equivalence certificate. This court finds no irregularity or illegality in the action of the TRB.

14. Insofar as W.P.Nos.9326 & 9464 of 2023 are concerned, challenge was made to government order issued by the State declining to accord status of equivalence to the degree obtained by the petitioners from Calicut University and Gujarat University respectively on the only ground that the syllabus were not compared with by the equivalence committee before making their recommendation.

15. In the counter affidavit it has been stated that both the syllabus were compared by the Board of Studies and only thereafter, the recommendations of



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

expert committee was placed as an agenda in 18th equivalence committee meeting held on 24.01.2023 under the Chairmanship of the Principal Secretary to Government, Higher Education Department. The Government after careful consideration, concurred with the view of the subject expert committee and the resolution came to be passed in the Equivalence Committee. On the basis of the resolution of the equivalence committee G.O.(Ms) No.36 came to be passed on 15.02.2023.

16. When the committee submitted a report on equivalence after comparing the syllabus that B.Sc., Physics awarded by University of Calicut and B.Sc., (Special) Physics awarded by Gujarat University cannot be considered to be equivalent to B.Sc., Physics for the purpose employment in Public Services based on the percentage of syllabus similarity which was found to be below the bench mark percentage of 75%, merely on the basis of oral submission that the syllabus were not compared by the subjects experts, impugned Government Order cannot be quashed. Thus, I do not find any merit in both writ petitions in W.P.Nos.9326 & 9464 of 2023.

17. In view of the above discussions, the writ petitions fail and the petitioners are not entitled for any relief.



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

In the result, Writ Petitions are dismissed. No costs. Consequently,

connected WMPs are closed.

04..08..2023

Index : yes / no

Neutral Citation : yes / no

kmk

Note: Issue order copy on or before 10.08.2023.

To

- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai 600 009.
- 2.The Vice Chairman,
Equivalence Committee,
Tamil Nadu State Higher Education Council,
Lady Wellington College Campus,
Kamarajar Salai, Triplicane,
Chennai 600 005.
- 3.The Member Secretary,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar
Dr.M.G.R. Centenary Building,
DPI Campus, College Road,
Chennai 600 006.



WEB COPY



W.P.Nos.5470, 5732, 9326 & 9464 of 2023

N.SATHISH KUMAR.J.,

kmk

Writ Petition
Nos.5470, 5732, 9326 & 9464 of 2023

04..08..2023