



W.P.No.5779 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.No.5779 of 2020  
and W.M.P.Nos.6756 & 6758 of 2020 and  
W.M.P.No.6758 of 2023

G.Selvi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep by its Secretary,  
Department of Law (LS),  
Secretariat, Chennai 9.
- 2.Teachers Recruitment Board,  
Rep by its member Secretary,  
4<sup>th</sup> Floor, EVK Sampath Maaligai,  
DPI Campus, College Road,  
Chennai 6.
- 3.The Director of Legal Studies,  
Purasaiwalkam High Road,  
Kilpauk, Chennai 10.
- 4.The Tamil Nadu State Council for  
Higher Education,  
Lady Willington College Campus,  
Kamarajar Salai,  
Triplicane, Chennai 5.



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5. Pondicherry University,  
Academics Section,  
R.V.Nagar, Kalapet,  
Puducherry 605 014.

6. Equivalence Committee,  
Rep by its Chairman,  
Department of Higher Education,  
Secretariat, Chennai.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Communication of the second respondent in his proceedings in Rc.No.8127/R1/2017 dated 22.05.2019, culminating into impugned communication of the second respondent in his proceedings in Rc.No.8127/R1/2017 dated 15.07.2019, culminating into impugned Government Order in G.O.Ms.No.28 dated 28.01.2020 passed by the first respondent and quash the same and consequently direct the second respondent herein to appoint the petitioner herein for the post of Assistant Professor (Law) under the category of (MBC/DNC (W)) as notified under recruitment notification No.2 of 2018 dated 18.07.2018 issued by the second respondent herein.

For Petitioner : Mr.A.Dev Narendiran

For Respondents : Mr.R.Neelakandan, Addl. Advocate General  
Assisted by Mr.E.Sundaram,  
Government Advocate for R1, R3, R4 & R6  
Mr.R.Neelakandan, Addl. Advocate General  
Assisted by Mr.K.Sathishkumar,  
Standing Counsel for TRB for R2



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**ORDER**

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This Writ Petition has been filed, challenging the G.O.Ms.No.28, dated 28.01.2020 and to quash the same and for a consequential direction to direct the second respondent to appoint the petitioner to the post of Assistant Professor as per the Provisional Selection list dated 14.05.2019 with retrospective effect.

2. Heard the submissions made on behalf of either side and perused the materials placed before this Court.

3. A notification has been issued by the first respondent calling for applications to the post of Assistant Professor in Government Law Colleges, on 18.07.2018 vide Notification No.2/2, for the recruitment year 2017-2018. In the said notification, it was clearly mentioned that the prescribed educational qualification must be needed to apply for the said post.

4. The petitioner has obtained L.L.M (Criminal Law) Degree from



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Dr.Ambedkar Government Law College, Puducherry. The petitioner passed TNSET as well as NET eligibility tests. After having appeared for the written examination and also attended the oral interview, the petitioner was found to be a meritorious candidate to be appointed to the said post. Subsequently, on 22.05.2019, the second respondent sent a letter to the petitioner to produce the equivalent certificate of the L.L.M Degree secured by her from Dr.Ambedkar Law College, Puducherry. For the sake of clarity the contents of the communication dated 22.05.2019 are extracted hereunder:-

*“It is informed that your provisional selection has been withheld for want of certain document/documents as listed below:-*

*1. Equivalence Certificate for the degree in Master in Law from Pondicherry University from the competent authority in Tamil Nadu.*

*.....”*

5. Subsequently, the petitioner produced the equivalent certificate issued by the fifth respondent dated 28.05.2019. In the said certificate, it is certified that the L.L.M Degree offered by Puducherry University in



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Criminal Law is equivalent to the L.L.M Degree of the Tamil Nadu Dr.Ambedkar Law University, Chennai. Even thereafter, the petitioner was not given with an appointment. Therefore, the petitioner is before this Court.

6. Meanwhile, the Government of Tamil Nadu has issued a G.O.(Ms.).No.28, Law (LS) Department, dated 28.01.2020 stating that the L.L.M Degree in Criminal Law offered by the Pondicherry University has been declared as not equivalent to the L.L.M Degree offered by the Tamil Nadu Dr. Ambedkar Law University. Now, the petitioner has challenged the above said G.O.(Ms.).No.28, along with a consequential direction to appoint the petitioner as Assistant Professor on the basis of the provisional selection list dated 14.05.2019 published by the first respondent, with retrospective effect.

7. The learned counsel for the petitioner submitted that at the time when the said notification was issued, it was not stated that the L.L.M Degrees obtained from the other universities will not be accepted. The



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impugned G.O.(Ms).No.28 had been issued, subsequent to the selection process and hence, it cannot be enforced with retrospective effect, so as to defeat the selection process, in which the petitioner has got selected to the post of Assistant Professor in law.

8. The first respondent has filed a counter by stating that only if the Government issued any Government Orders, the Board can consider the petitioner's selection on merits. Since the G.O.(Ms.).No.28, Law (LS) Department, dated 28.01.2020 has tied the hands of the first respondent, the petitioner cannot be appointed.

9. The respondents have stated in their Counter that the petitioner had obtained L.L.M Degree in Criminal Law from Pondicherry University and that was found to be not equivalent to the L.L.M Degree offered by the Tamil Nadu Dr. Ambedkar Law University. The G.O.(Ms).No.28, Law (LS) Department, dated 28.01.2020 has been issued by the Government only on the basis of a review of the subject made by an Expert Committee and the recommendation of the equivalence committee



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and so the said G.O., is valid in the light of law.

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10. At the time when the job notification was issued, it was not stated that the L.L.M Degree obtained from other Universities are not accepted and the persons concerned are not qualified to apply for the said post. Only after the petitioner got selected and the selection list was published, the first respondent asked the petitioner to produce the equivalent certificate.

11. The learned Additional Advocate General for the government respondent attracted the attention of this Court to an earlier order passed by the Division Bench of this Court, in W.A.Nos. 301 & 302 of 2016, dated 22.03.2016, wherein the petitioner of that petition has challenged the recommendations of the Equivalence Committee, which has declared the post graduate degree obtained by the petitioner as not equivalent. For the sake of clarity, paragraph No.6 of the said Judgment is extracted hereunder:-

*“ 6. But, we do not agree. As against the recommendations of the Equivalence Committee*



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*constituted by the Government, the certificate issued by the Registrar of the University is of no value. Moreover, the certificate is seen to have been issued by a person holding in-charge of the post of Registrar. Therefore, we do not wish to give any credence to the certificate issued by the Registrar-In Charge to hold the recommendations of the Equivalence Committee as not correct. The Government Order impugned in one of the writ petitions is based upon the report of the Equivalence Committee, which cannot be annulled on the basis of the letter of the Registrar - In Charge.”*

12. Even in the instant case, the equivalent certificate has been given by the Co-ordinator (Academics), Pondicherry University, Puducherry. Since the law in this regard has already been settled by the Division Bench of this Court, wherein it is clearly held that the report of the Equivalence Committee cannot be annulled on the basis of the letter of the Co-ordinator (Academics), Pondicherry University, Puducherry. In such case, even if the petitioner got selected, her L.L.M Degree cannot be accepted to be equivalent to the L.L.M Degree obtained from the Tamil Nadu Dr.Ambedkar Law University.

13. With the above observations, the Writ Petition is dismissed. No



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costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes

Internet : Yes/No

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To

1. The Secretary,  
Department of Law (LS),  
Secretariat, Chennai 9.
2. The member Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maaligai,  
DPI Campus, College Road, Chennai 6.
3. The Director of Legal Studies,  
Purasaiwalkam High Road,  
Kilpauk, Chennai 10.
4. The Tamil Nadu State Council for  
Higher Education,  
Lady Willington College Campus,  
Kamarajar Salai, Triplicane, Chennai 5.
5. Pondicherry University,  
Academics Section,  
R.V.Nagar, Kalapet, Puducherry 605 014.
6. The Chairman,  
Equivalence Committee,  
Department of Higher Education,  
Secretariat, Chennai.



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**R.N.MANJULA, J.**

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