



WEB COPY



W.P.Nos.6045 of 2020; 21856 of 2019; 4257 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.Nos.6045 of 2020; 21856 of 2019; 4257 of 2020

&

WMP.Nos.5031, 7093, 7094, 5030 & 7095 of 2020

In W.P.No.6045 of 2020 :

V.Rajendiran

... Petitioner

Versus

1.Teachers' Recruitment Board,
Represented by the Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

2.The Director of Legal Studies,
Purusawalkam High Road,
Kilpauk, Chennai- 600 010.

3.The Secretary (FAC),
Law Department of Tamil Nadu,
Chennai- 600 009.

4.The Principal Secretary,
Higher Education Department,
Chennai- 600 009.

5.The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry 605 014.

... Respondents



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In W.P.No.21856 of 2019 :

V.Rajendiran

... Petitioner

Versus

1.Government of Tamil Nadu,
Represented by its Home Secretary,
Home Department,
St. George Fort,
Chennai – 600 009.

2.Teachers' Recruitment Board,
Represented by the Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

3.The Director of Legal Studies,
Purasawalkam High Road,
Kilpauk, Chennai – 600 010.

... Respondents

In W.P.No.4257 of 2020 :

Deepti. U

... Petitioner

Versus

1.The Members Secretary,
Teachers Recruitment Board,
College Road,
Chennai – 600 006.

2.The State of Tamil Nadu,
Rep.by the Principal Secretary to Government, (FAC)
Fort St.George,
Chennai – 600 006.

... Respondents



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PRAYER in W.P.No.6045 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent with G.O.Ms.No. 28 dated 28.01.2020 and to quash item Nos. 21 and 2.6 and to quash the same and consequently to direct the respondent to appoint the petitioner as Assistant Professor on the basis of the selection held on 14.05.2019 with retrospective effect.

PRAYER in W.P.No.21856 of 2019 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the second respondent to appoint the Petitioner as the Assistant Professor as per the Provisional Selection list dated 14.05.2019 within a stipulated time.

PRAYER in W.P.No.4257 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the first respondent's nil dated proceedings of Provisional Selection List – 08 – Human Rights Law, withholding the appointment for want of relevant documents at SI.No.1 – 18LC08022 – GTW and that of second respondent's G.O.(Ms).No.28 Law (LS) Department, dated 28.01.2020 in so far as Item No.2.5 is concerned to quash the same and to consequently direct the respondents to select and appoint the petitioner as Assistant Professor forthwith thereto and to extend all benefits.

In W.P.No.6045 of 2020 :

For Petitioner : Mr. K. Sivaraj

For Respondents : Mr. S. Silambanan, AAG-V
Assisted by Mr. T. Chezhiyan, AGP
(for R1 to R4)

: Mr. M. Ravi, (for R5)



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In W.P.No.21856 of 2019 :

WEB COPY For Petitioner : Mr. M. Silambarasan
For Respondents : Mr. R. Neelakandan, AAG-VIII
Assisted by Mr. Alagu Gowtham,
Standing Counsel for TRB (for R2)
: Mr. T. Arunkumar, (for R1 & R3)

In W.P.No.4257 of 2020 :

For Petitioner : Mr. L. Chandrakumar
For Respondents : Mr. R. Neelakandan, AAG-VIII
Assisted by Mr. Alagu Gowtham,
Standing Counsel for TRB (for R2)

COMMON ORDER

These Writ Petitions have 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 petitioners to the post of Assistant Professor as per the Provisional Selection list dated 14.05.2019 with retrospective effect.

2.Though the issues involved in these writ petitions are one and the same, these matters are taken up for common disposal.



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3.Heard the submissions made on behalf of either side and perused the material records of this case.

4.A notification 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 was given by the first respondent. In the said notification, clearly mentioned that the prescribed educational qualification must be needed to apply for the said post.

5.The petitioner/Rajendiran has obtained L.L.M Degree from the Tamil Nadu 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 meritorious and he stood in 7th Rank in the branch of “International Law” and 2nd Rank in the “Human Rights Law”, as per the provisional selection list published by the first respondent. Subsequently, on 25.05.2019, the first respondent sent a letter to the petitioner to produce the equivalent certificate of the L.L.M Degree secured by him from Dr.Ambedkar Law University. For the sake of clarity the contents of the communication dated 22.05.2019 are extracted hereunder:-



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

1. Qualified in L.L.M (International Law, Criminal Law and Human Rights Law from Pondicherry University and equivalent certificate are needed from Dr. Ambedkar Law University for govt is equivalent to M.L.Degree in Law.

..... ”

6.Subsequently, the petitioner produced the equivalent certificate given by the registered Tamil Nadu Dr.Ambedkar Law University, Chennai, dated 30.05.2019. In the said certificate, it is certified that the L.L.M Degree offered by Puducherry University in the branch of “International Law, Constitution of Law and the Human Rights 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. Subsequently, the petitioner filed a Writ Petition in W.P.No.21856 of 2019, which was dismissed on the ground that the petitioner has not produced any G.O., treating one year M.L.Degree awarded by the Pondicherry University as equivalent to two years LLM/ML Degree of Tamil Nadu. The petitioner had challenged the same by way of filing an appeal in W.A.No.173 of 2020 and in which, an order was passed by setting aside the orders passed by the



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Learned Single Judge and the matter was remanded for fresh disposal and the same is pending. Therefore, the said Writ Petition is before this Court.

7.Meanwhile, the Government of Tamilnadu has issued a G.O.(Ms.).No.28, Law (LS) Department, dated 28.01.2020 stating that the L.L.M Degree in International Law, Constitutional Law and Human Rights Law offered by the Pondicherry Central University, Pondicherry and L.L.M Degree offered in Mahatma Gandhi University from Kottayam in Kerala has been declared as not equivalent to the L.L.M Degree offered by the Tamil Nadu Dr. Ambedkar Law University. Now, the petitioners have challenged the above said G.O.(Ms).No.28, and it to set aside along with a consequential direction to appoint the petitioners as Assistant Professor on the basis of the provisional selection list dated 14.05.2019 published by the first respondent, with retrospective effect.

8.The learned counsel for the petitioners 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 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



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defeat the selection process, in which the petitioners have got selected to the post of Assistant Professor in law.

9.The first respondent has filed a counter by stating that only if the Government issued any Government Orders, the Board can consider the petitioners' 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 petitioners cannot be appointed.

10.The first and second respondents have stated in their Counter that the petitioners' had obtained L.L.M Degree in International Law, Constitution Law and Human Rights Law from Pondicherry University and Mahatma Gandhi University, Kottayam, and those were 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 and so the said G.O., is valid in the light of law.



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11.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 petitioners got selected and the selection list was published, the first respondent asked the petitioners to produce the equivalent certificate issued by the Tamil Nadu Dr.Ambedkar Law University, Chennai. It is claimed by the petitioners that Tamil Nadu Dr.Ambedkar Law University has also issued an equivalent certificate.

12.The 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 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



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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.”

13.Even in the instant case, the equivalent certificate has been given by the Registrar/I.c. 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 Registrar-In Charge. In such case, even if the petitioners' got selected, their L.L.M Degrees cannot be accepted to be equivalent to the L.L.M Degrees obtained from the Tamil Nadu Dr.Ambedkar Law University.

14.With the above observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

07.11.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

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Represented by the Member Secretary,
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Chennai- 600 009.
4. The Principal Secretary,
Higher Education Department,
Chennai- 600 009.
5. The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry 605 014.
6. The Principal Secretary to Government, (FAC)
State of Tamil Nadu,
Fort St.George,
Chennai – 600 006.
8. The Home Secretary,
Government of Tamil Nadu,
Home Department,
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R.N. MANJULA, J.

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