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W.P.No.19900 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.19900 of 2020

and

W.M.P.Nos.24567 & 24568 of 2020

1.K.M.Manoj

2.R.Keerthiga

3.T.Shiyamala

... Petitioners

Vs.

The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai – 600 032.

... Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the petitioners for appointment to the post of Assistant Engineer by treating the Master's Degree in Environmental Engineering and Management as a valid educational qualification for the post of Assistant Engineer pursuant to the Notification issued by the respondent in Notification No.02/2019 dated 05.03.2020 for direct recruitment to the post of Assistant Engineer.



W.P.No.19900 of 2020

WEB COPY

For Petitioners : Mr.N.subramaniyan

For Respondent : M/s.Vijayakumar Natarajan

ORDER

This writ petition has been filed by the petitioners seeking direction to the respondent to consider the petitioners for appointment to the post of Assistant Engineer by treating the Master's Degree in Environmental Engineering and Management as a valid educational qualification for the post of Assistant Engineer pursuant to the Notification issued by the respondent in Notification No.02/2019 dated 05.03.2020 for direct recruitment to the post of Assistant Engineer.

2. Learned counsel for the petitioner submitted that the petitioners are holders of Master's Degree in Environmental Engineering and Management issued by Anna University. They have studied the said course in the Coimbatore Institute of Technology, affiliated to Anna University, through regular stream. The first respondent issued notification No.2 of 2019 dated 05.03.2020, inviting applications through online mode upto 26.03.2020 for direct recruitment to the post of Assistant Engineer – 78 vacancies,



W.P.No.19900 of 2020

Environmental Scientist – 70 posts, Assistant (Junior Assistant) – 38

vacancies and Typist – 56 vacancies. Educational qualification prescribed

for the said posts notified are as follows:

Sl.No.	Name of the Post	Qualification
1	Assistant Engineer	Basic qualification should be a Bachelor's Degree in Civil Engineering or Chemical Engineering or Environmental Engineering, and Master's Degree in Environmental Engineering / Chemical Engineering / M.Tech. Environmental Science and Technology awarded by Anna University / M.Tech. Petroleum Refining and Petrochemicals awarded by Anna University / M.E. Environmental Management awarded by Anna University
2	Environmental Scientist	Master's Degree in Science in any one of the following disciplines (1) Chemistry (2) Biology (3) Zoology (4) Environmental Chemistry (5) Environmental Science (6) Environmental Toxicology (7) Microbiology (8) Marine Biology (9) Bio-Chemistry (10) Analytical Chemistry (11) Applied Chemistry (12) Botany
3	-	-
4	-	-

2.2. In pursuant to the said notification, the petitioners herein applied



W.P.No.19900 of 2020

for the post of Assistant Engineer and Environmental Scientist. The petitioners were successful in the written examination and they were called for Certificate Verification. However, to the shock and surprise, during Certificate Verification, the petitioners were informed that their Master's Degree cannot be considered to be a requisite qualification for the post of Assistant Engineer and Environment Scientists as per the Notification. Therefore, the petitioners have come forward with the present writ petition.

3. Learned counsel appearing for the respondent has submitted that earlier a batch of writ petitions have been filed before this Court in W.P.Nos.17657 of 2020 etc., batch. The Hon'ble Single Judge of this Court, after elaborate discussions, by order dated 21.04.2022 has dismissed the writ petitions.

4. Learned counsel appearing for the respondent submitted that the the order issued by this Court is squarely applicable to the facts of the case on hand, therefore similar relief may be granted in the present writ petition. The relevant portions of the order is extracted hereunder:



WEB COPY



W.P.No.19900 of 2020

18.2. *The Hon'ble Division Bench of this Court, in the penultimate paragraphs, had observed as follows:*

“13. This Court is of the view that the question of considering equivalence is purely in the exclusive domain of the experts in the field of education. That is the reason why, Equivalence Committee has been constituted and it is also stated to be periodically convened, and on the basis of the recommendation of such committee, orders are issued by the Government. Further, the Court, exercising powers under Article 226 of the Constitution, is not an expert body to sit in judgment over educational matters and compel the educational authorities, to treat any degree or programme, as equivalent to the other, for the purpose of pursuing higher studies or employment, as the case may be.

*14. Needless to say that it is the prerogative of the employer to prescribe the age, educational qualifications etc., for appointment to a post. Reference can be made to a decision of the Hon'ble Supreme Court in **P.U.Joshi v. Accountant General** reported in 2003 (2) SCC 632, where the Hon'ble Supreme Court, at Paragraph 10, held as follows:*

"10. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to



WEB COPY



W.P.No.19900 of 2020

have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

(emphasis supplied)

The Division Bench of this Court in the aforesaid decision has laid down the principle that “the question of considering equivalence is purely in the exclusive domain of the experts in the field of education. That is the reason why, Equivalence Committee has been constituted and it is also



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W.P.No.19900 of 2020

stated to be periodically convened, and on the basis of the recommendation of such committee, orders are issued by the Government". The aforesaid decision of the Division Bench of this Court squarely applies to the facts of the present cases.

20. It is to be pointed out at this juncture that in pursuant to the interim order passed by this Court dated 16.03.2021, the results of the selection proceeds are kept in a sealed cover and it is under safe custody in the office of the first respondent/TNPCB. As rightly contended by the learned counsel for the implead petitioners / selected candidates, in the light of the interim order passed by this Court, the entire selection process has been stalled for the past two years and the posts could not be filled up in the category of Assistant Engineers and Environmental Scientists.

21. In the light of the above factual position and the aforesaid decision of the Division Bench of this Court, the contention of the petitioners challenging the constitution of Equivalence Committee, vide impugned Government Order in G.O. (Ms.)No.93, Higher Education (K2) Department dated 30.05.2019, lacks merit and substance. It is trite law that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, will not normally interfere or analyze the opinion given by the experts. This Court finds no reason to interfere with the impugned notification of the second respondent/TNPCB and there is no arbitrariness in the constitution of the Equivalence Committee, vide G.O.(Ms.) No.93, Higher Education (K2) Department dated 30.05.201 and



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W.P.No.19900 of 2020

finds no merit in these writ petitions.

23. These Writ Petitions stands dismissed with the above directions. No costs. Interim Orders already granted stands vacated and consequently, connected miscellaneous petitions are also dismissed.”

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and in the light of the order of the Hon'ble Single Judge of this Court passed in W.P.Nos.17657 of 2020 and etc., batch, this writ petition stands dismissed.

7. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2023 (vm)

Index : Yes/No

Page No.8 of 11



W.P.No.19900 of 2020

Speaking Order : Yes/No

WEB COPY

To:

The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
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W.P.No.19900 of 2020

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W.P.No.19900 of 2020



WEB COPY



W.P.No.19900 of 2020

02.08.2023