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W.P.No.30781 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30781 of 2023

and

W.M.P Nos.30445, 30445 and 30449 of 2023

M.D.Ramya

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education K2 Department,
Fort St. George, Chennai 600 009.

2.University of Madras,
Chepauk, Chennai 600 005.

3.Teachers Recruitment Board,
4th Floor, DPI Campus,
College Road, Chennai 600 006.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.Ms.No.244 Higher Education (K2) Department dated 07.11.2022 insofar as relates to Item No.29 stating that B.Sc Science [Mathematics, physics, Computer Science) awarded by Sri Venkateswara University is not equivalent to B.Sc., Physics for purpose



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of employment in public Services and to quash the same as illegal and unsustainable in law, insofar as petitioner is concerned and for a consequential direction to treat the petitioner as eligible for employment in public services of the state holding that B.Sc., (MPC) acquired by her is equivalent to B.Sc., Physics.

For Petitioner : Mrs.N.Kavitha Rameshwar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1
Mr.A.Shabnam Banu
for R2
Mr.C.Kathiravan
Standing counsel for R3

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. It is settled proposition of law that when an expert committee renders its views with regard to evaluation and the equivalence between to degrees, this Court, exercising its power under Article 226 of the Constitution of India, will not venture to re-appraise such an expert committee's decision. In the case of *Anand Yadav and others vs. State of*



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Uttar Pradesh and others reported in ***(2021) 12 SCC 390***, this ratio was held in the following manner:-

“34. We may notice that it is not as if a person with an M.Ed. degree is eligible for all the posts which were advertised for Science, Arts and others. Their eligibility has been found only for the post of Assistant Professor (Education), which is directly relatable to the subject to be taught. We do not think the fact that both M.Ed. and M.A. (Education) degree-holders have to take a common test for the purposes of NET is conclusive, but it is one of the factors to be considered, and once the expert body being the NCTE, inter alia, has taken that aspect into consideration apart from other factors to opine equivalence for the purpose of appointment to the post of Assistant Professor in Education, it would not be appropriate to take a contra view.

35. We say so in view of the fact that matters of education must be left to educationists, of course subject to being governed by the relevant statutes and regulations. It is not the function of this Court



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to sit as an expert body over the decision of the experts, especially when the experts are all eminent people as apparent from the names as set out. This aspect has received judicial imprimatur even earlier and it is not that we are saying something new. We may refer to the pronouncement in Zahoor Ahmad Rather & Ors.¹⁰ in this behalf which has dealt with the dual aspects: (a) it is for the employer to consider what functionality of qualification and content of course of studies would lead to the acquisition of an eligible qualification; and (b) such matters must be left to educationists.

.....

37. We may note that, sometimes, without looking into the real ratio decidendi, a judgment is followed as a precedent. This is what appears to have happened in the impugned order. There are even some other supra supra supra judgments of the High Courts, which in turn were then sought to be relied upon to canvas a proposition that there is a widespread acceptance of M.Ed. not being equivalent to M.A. (Education). That they are two different degrees is obvious; this is even recognised



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by the NCTE while emphasising the subtle distinction between the two degrees as one being a master's degree but not a professional degree, while the other being a professional degree. If the two degrees are identical, there is no question of equivalence. The issue of equivalence only arises when there are two different degrees and what is to be decided whether for certain purposes they can be treated as equivalent. This is exactly what has happened as a result of the respective expert committees set up by respondent Nos. 2 & 5. The employer, i.e., respondent No. 2, had accepted the recommendation of the expert committee. The UGC has also taken a stand that insofar as the two degrees are concerned, both are post graduate degrees, and the equivalence authority being respondent No.5 has also opined on the basis of an expert committee, that the two can be treated as equivalent for the post of Assistant Professor in Education. Thus, it is neither for the contesting party, i.e., respondent No.3, nor for this Court to sit as a court of appeal over the decision of the experts."



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3. In the instant case, the petitioner possess the degree of B.Sc., with Maths, Physics and Computer Science as majors, awarded by Sri Venkateswara University. The decision of the equivalence committee, through the impugned G.O.(Ms) No.244, High Education (K2) Department, dated 07.11.2022, is that the petitioner's degree in B.Sc., (Maths, Physics and Computer Science) is not equivalent to B.Sc., Physics, for the purpose of employment in public service.

4. The learned counsel for the petitioner made a faint attempt, seeking to declare that the decision of the equivalence committee would apply only prospectively to the candidates, who possess similar qualification to a triple major in B.Sc., and not to the petitioner, since her under graduation with triple majors has been recognized to be equivalent to the corresponding B.Sc., degree of the University of Madras.

5. The submission, on the fact of it, is misconceived. The very purpose for which the equivalence committee was constituted is to assess the equivalence of the degree of B.Sc., (Mathematics, Physics, Computer Science) awarded by Sri Venkateswara University with B.Sc., (Physics),



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for the purpose of employment in public services. When the recommendations of the equivalence committee was to the effect that the petitioner's degree is not equivalent and the same having been accepted by the Government in G.O.(Ms) No.244, Higher Education Department, dated 07.11.2022, the petitioner's qualification of B.Sc., (Mathematics, Physics and Computer Science) awarded by Sri Venkateswara University, cannot be construed to be equivalent to B.Sc., (Physics) for any public employment at all and she will be disentitled to apply for any public employment, in which B.Sc., (Physics) is notified to be an essential qualification, which the candidate should possess.

6. Thus, in view of the expert committee's recommendations, the claim for retrospective operation of G.O.(Ms) No.244, dated 07.11.2022, to candidates who acquired qualifications after the Government Order, is not legally sustainable. Hence, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index:Yes/No

Speaking order/Non-speaking order



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M.S.RAMESH,J.

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To

- 1.The Principal Secretary to Government,
Higher Education K2 Department,
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- 2.The University of Madras,
Chepauk,
Chennai - 600 005.
- 3.Teachers Recruitment Board,
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