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WA No. 2750 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No. 2750 of 2021
and
C.M.P. Nos. 18032 and 21141 of 2021

Teachers Recruitment Board
represented by the Member Secretary
4th Floor, EVK Sampath Maaligai
DPI Compound, College Road
Chennai - 600 006

.. Appellant

Versus

1. R. Dyson

2. Director of Technical Education
Guindy, Chennai - 600 025

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 13.06.2018 passed in WP No. 18835 of 2017 on the file of this Court.

For Appellant : Mr. R. Neelakandan
Additional Advocate General
assisted by Mr. K.V. Sanjeev Kumar
Government counsel

For Respondents : Mrs. Nalini Chidambaram, Senior Advocate
for Ms. C. Uma (R1)
Mr. Stalin Abhimanyu, AGP (R2)



JUDGMENT

(Judgment of this court was delivered by **R. MAHADEVAN, J**)

Aggrieved by the order dated 13.06.2018 passed by the learned Judge in WP No.18835 of 2017, the appellant / Teachers Recruitment Board has preferred this writ appeal.

2.The first respondent herein filed the aforesaid writ petition, praying to issue a Writ of Certiorarified Mandamus to call for the records of the Teachers Recruitment Board in relation to certificate verification results for direct recruitment of Assistant Professor in Government Engineering Colleges for the years 2013-2014 and 2014-2015 pertaining to the writ petitioner/first respondent herein having roll number 14B0401085 with the remark "PG is not related to ECE", quash the same and consequently direct the Teachers Recruitment Board to treat him with B.E. in ECE and M.E. in Instrumentation Engineering as eligible for the post of Assistant Professor in Electronics and Communication Engineering in Government Engineering College based on the All India Council for Technical Education norms published in the gazette dated 28.04.2017 and issue appointment order to the writ petitioner / first respondent herein.



3.The case projected by the first respondent in the writ petition, is as follows:

3.1. The first respondent pursued B.E. in Electronics and Communication Engineering in Magna College of Engineering affiliated to Anna University, during the year 2005-2009 and obtained a degree in first class. During the year 2010, the first respondent appeared for TANCET examination conducted by Anna University and obtained top rank. It is further stated that as per the guidelines issued by Anna University, the first respondent underwent M.E. in Instrumentation Engineering in MIT, Chennai.

3.2. While so, the appellant / Teachers Recruitment Board (in short, "the TRB"), issued an advertisement *vide* notification No. 3 of 2014 dated 16.07.2014, which was reissued on 20.07.2016, due to some litigation. Pursuant to the same, the first respondent submitted his application and also participated in the written examination. On 06.01.2017, he received the call letter for certificate verification, based on the tentative provisional list of candidates selected for the various posts issued by the appellant, in which, the name of the first respondent was indicated at Serial No.30. Subsequently, on 20.01.2017, the first respondent attended the certificate verification conducted by the appellant. While the first respondent was anticipating to get the appointment order for the post, the appellant issued the proceedings dated



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27.04.2017, stating that the candidature of the first respondent was rejected with the remarks that "PG is not related to ECE".

3.3. Challenging the aforesaid order dated 27.04.2017, the first respondent filed the writ petition bearing no.18835 of 2017 stating *inter alia* that he underwent M.E. Degree course as per the guidelines issued by Anna University. It was also stated that B.E. degree in Electronics and Instrumentation Engineering is equivalent to B.E. in EEE or ECE. But, the TRB failed to recognise M.E. Degree in Instrumentation Engineering obtained by the first respondent for the post of Assistant Professor in Government Engineering College on the ground that he pursued a different subject i.e., E.C.E. in his B.E. Course. According to the first respondent, the All India Council for Technical Education (AICTE) has issued regulations stating that a person with B.E. in ECE and M.E. in Instrumentation Engineering is eligible for the faculty of Electronics and Communication Engineering. However, the TRB refused to follow such regulations of the AICTE and rejected the candidature of the first respondent. It is also stated that as per G.O. Ms. No.178 dated 17.07.2015, a student with B.E. Degree in Electronics and Communication Engineering is eligible for appointment to the post of Lecturer in a college imparting Electronics and Communication Engineering alone, but the student with inter-disciplinary degree like Electronics and Instrumentation



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Engineering is eligible for appointment to the post of Lecturer in both the Colleges, where Electrical and Electronics Engineering and Electronics and Communication Engineering are being imparted.

4. Resisting the claim of the first respondent, the appellant/TRB filed a counter affidavit stating that at the time of certificate verification, it was noticed that the first respondent was in possession of M.E. in Instrumentation Engineering, which was not a related subject at P.G. level to M.E. (Electronics & Communication Engineering) and therefore, his candidature was rejected. It was further stated that the Director of Technical Education has declared M.E. (Electronics & Instrumentation Engineering) as not equivalent to M.E. (Electronics & Communication Engineering) and therefore, rejection of the candidature of the first respondent is wholly justified. When the user Department has issued certain guidelines to be followed in the matter of recruitment of candidates, the TRB cannot deviate from such guidelines issued. It was also stated that the TRB has already issued provisional selection to the notified vacancies and hence, due to passage of time, the claim of the first respondent cannot be considered for selection and appointment to the post of Assistant Professor.



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5. Before the Writ Court, some other writ petitions filed by the similarly placed persons like the first respondent herein, were also taken up for consideration. Upon hearing the rival contentions made by the parties, the learned Judge passed a common order, thereby allowed the writ petition filed by the first respondent herein. The relevant passage of the same is quoted below for ready reference:

"22. It is settled principle that the regulations framed by the Central Authorities such as the AICTE have the force of law and are binding on all concerned. A reference can be had from Parshvanath Charitable Trust and others Vs. All India Council for Technical Education and others [(2013) 3 SCC 385].....

In view of the above, it is clear that the State Government cannot lay down any guidelines or policies in conflict with the Central Statute or the standards laid down by the Central body, like AICTE, therefore, the qualifications fixed by the AICTE are binding on the State Government, hence, the State Government cannot insist on equivalent Government Order, especially when no such order is available.

23. In the light of the above observations, the writ petitions are disposed of with a direction to the TRB to consider the claim of the petitioners in W.P. Nos. 28041, 18835, 23673, 27072, 27391 and 23330 of 2017, without insisting equivalence Government Order to the effect that the subject they studied in PG degree is equivalent to that of the subject they studied in UG degree, and appoint them if they are otherwise qualified."

The aforesaid order of the learned Judge is under challenge in this writ appeal.

6. The learned Additional Advocate General appearing for the appellant would contend that the appellant / TRB is bound to follow the Regulations issued by the Director of Technical Education from time to time. Even before the notification in question was issued by the TRB, the Director of Technical Education in his letter bearing no.36978/A2/2012 dated 16.09.2012 clarified



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that the subject studied by the first respondent cannot be equated to M.E.

Degree in Electronics and Communication Engineering. Even in the notification calling for applications, it was clearly stated that the candidate must possess B.E. / B.Tech and M.E./M.Tech in the relevant branch of Engineering or Technology with first class or its equivalent either in B.E. or B.Tech or M.E. or M.Tech. When the qualification acquired by the first respondent is not in accordance with the conditions imposed in the notification issued by the TRB, he cannot be appointed to the post in question. It is further submitted that the AICTE in its notification *vide* Letter No. F.No.27/RIFD/Pay/01/2017-18 dated 28.04.2017 clarified that M.E. (Instrumentation Engineering) is not equivalent to Electronics and Communication Engineering and both the degrees are distinguishable. The learned counsel also submitted that when the first respondent filed the writ petition by asserting that the degree which he obtained is equivalent to M.E. (Electronics and Communication Engineering), it is for him to produce the equivalence certificate or any authenticated document to substantiate the same and in the absence of one such document, the learned Judge ought not to have allowed the writ petition. Thus, the learned Additional Advocate General prayed for allowing this writ appeal by setting aside the order of the learned Judge.



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7. Per contra, the learned Senior counsel appearing for the first respondent / writ petitioner would submit that as per the AICTE regulations, which have the force of law and are binding in nature, the major discipline Electronics Engineering has corresponding courses of Engineering / Technology under which Electronics and Communication Engineering and Instrumentation Engineering are shown as allied subjects and hence, the person, who studied Electronics and Communication Engineering in the undergraduate degree and who studied Instrumentation Engineering in the Postgraduate course, is competent to teach students of Electronics and Communication Engineering. Further, as far as teaching posts are concerned, the AICTE Regulations dated 28.04.2017 viz., All India Council for Technical Education (Major / Core Branch of Engineering / Technology and their relevant / appropriate courses leading to degree in Engineering / Technology) 2017, were framed dealing with recruitment to teaching position. Thus, the learned Judge, after making comparison as to the qualification prescribed by the AICTE and the one indicated in the notification issued by the TRB, held that the subject in which the first respondent studied, is equivalent to the one fixed by the AICTE and therefore, he is entitled for appointment to the post; and accordingly, allowed the writ petition filed by the first respondent herein, by the order impugned herein, which does not warrant any interference by this



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8. We have heard the learned Additional Advocate General appearing for the appellant, learned Senior counsel for the first respondent and the learned counsel for the second respondent and also perused the materials available on record.

9. The issue involved herein is, whether M.E. (Instrumentation Engineering) is equivalent to M.E. (Electronics and Communication Engineering), for the purpose of appointment to the post of Assistant Professor in the Government Engineering Colleges.

10. At the outset, it is to be kept in mind that the Court, in exercise of the powers conferred under Article 226 of the Constitution of India, cannot decide the question relating to equivalence of degrees/ qualifications as it does not have expertise to evaluate and assess the same and record a finding with regard to equivalence of degrees / qualifications; and it is within the domain of the Expert body comprising of high academicians. In this context, we are fortified by the decision of the Honourable Supreme Court in ***Basic Education Board, UP v. Upendra Rai and others [2008 (3) Supreme Court Cases 432 = 2008 (1) Supreme Court Cases (L&S) 771]*** wherein it was held as follows:-



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"15. Grant of equivalence and/or revocation of equivalence is an administrative decision, which is in the sole discretion of the authority concerned, and the Court has nothing to do with such matters. The matter of equivalence is decided by experts appointed by the Government, and the Court does not have expertise in such matters. Hence, it should exercise judicial restraint and not interfere in it."

10.1. In ***Prakash Chand Meena and others v. State of Rajasthan and others, [(2015) 8 SCC 484]***, it was held by the Hon'ble Supreme Court that *"the court could not go into the question whether a degree is equivalent or superior to the qualification prescribed in the advertisement"*.

11. In the case at hand, the first respondent obtained B.E. degree in ECE and M.E. degree in Instrumentation Engineering and hence, his candidature for appointment to the post of Assistant Professor in ECE, was rejected by the appellant, for the reason that 'PG is not related to ECE'. Stating that as per the AICTE regulations, a person with B.E. (ECE) and M.E. (Instrumentation Engineering) qualifications, is eligible for the faculty of ECE, and the said regulations are binding on the appellant, the first respondent approached the writ court. The learned Judge allowed the writ petition by setting aside the order of the appellant, on the premise that the State Government cannot lay down any guidelines or policies in conflict with the central statute or the standards laid down by the Central body, like AICTE; the qualifications fixed by the AICTE are binding on the State Government; and hence, the State



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Government cannot insist on equivalent Government order. Aggrieved by the same, the appellant is before this court.

12. Indisputably, it is settled law that the regulations framed by the central authorities have the force of law and are binding on all concerned. The appellants stated that as per the AICTE notification issued in the year 2017, M.E. (Instrumentation Engineering) is not a relevant subject for Electronics and Communication Engineering; in the notification itself, it was clearly mentioned that if a candidate claims that the educational qualification in the subject possessed by him/ her is equivalent to any one of the mentioned subjects, the appointing authority i.e., user department (Directorate of Technical Education) will decide the equivalence at the time of appointment; and the first respondent did not challenge the said notification at the initial stage itself. It is further stated that during the pendency of the writ proceedings, the Board had commenced the recruitment process and made provisional selection to the vacancies notified and therefore, the claim of the first respondent could not be entertained at this length of time.

13. On the other hand, it is the stand of the first respondent that according to AICTE regulations, the major discipline Electronics Engineering



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has corresponding courses of Engineering / Technology under which Electronics and Communication Engineering and Instrumentation Engineering are shown as allied subjects and hence, the person, who studies Electronics and Communication Engineering in the Undergraduate degree and who studied Instrumentation Engineering in the Postgraduate course is competent to teach the students of Electronics and Communication Engineering. Thus, according to the first respondent, he is eligible for appointment to the post of Assistant Professor (ECE).

14. Taking note of the both sides' submissions, this court, in order to remove the confusion about the equivalence of two degrees, has passed an interim order on 02.11.2021, which reads as follows:

"There shall be an order of interim stay on condition that the Equivalence Committee shall decide the issue and pass orders, uninfluenced by the decision of the learned single Judge, within a period of fifteen days from the date of receipt of a copy of this order and the said report shall be filed before this Court in a sealed cover on 01.12.2021.

2. Till further orders are passed in W.A, no coercive steps shall be taken by the Respondents herein. It is needless to mention that the order will be passed by the Equivalence Committee, after hearing the First Respondent / Writ Petitioner.

3. Post on 01.12.2021."

15. Pursuant to the aforesaid direction issued by this Court, the 12th Equivalence Committee Meeting was held through circulation on 25.11.2021 under the Chairmanship of the Equivalence Committee/ Principal Secretary to



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Government, Higher Education Department, and the following resolution was passed in the same:

No.	Subjects	Recommendations
1	Public Services - Educational Qualification - Consideration of M.E. Instrumentation Engineering offered by Madras Institute of Technology, Chrompet Campus of Anna University as to whether equivalent to M.E. Electronics and Communication Engineering for the purpose of employment in public services - Regarding	NOT EQUIVALENT

After careful examination of the aforesaid resolution dated 25.11.2021, the Government has approved the same by G.O.(Ms) No.240 Higher Education (J1) Department, dated 30.11.2021. A copy of the said G.O. was produced for perusal of this court.

16. On a careful reading of the aforesaid G.O.(Ms) No.240, Higher Education (J1) Department dated 30.11.2021, it could be seen that after conducting a detailed study between M.E. Instrumentation Engineering, MIT, Chrompet of Anna University and M.E. Electronics & Communication Engineering of Anna University, the Equivalence Committee has passed the resolution that both the two degrees are not equivalent. The relevant passage of the said G.O., is usefully extracted below:

"3The Member Secretary, Tamil Nadu State Council for Higher Education in his letter fourth read above, has stated that during 2017, AICTE has issued notification vide F.No.27/RIFD/Pay/01/2017-18 dated 28.04.2017 with a list of Major/Core branches of Engineering & Technology with nomenclature of PG degrees relevant for recruitment in

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teaching positions in the technical institutions. In AICTE notifications, Major/core branches of Engineering and Technology with nomenclature of PG degree relevant for recruitment in teaching positions in the technical institutions, Electronics Engineering comes under major discipline of Engineering/Technology. Further, Electronics Engineering was divided into sub category (i) Electronics Engineering (ii) Electronics and Communication Engineering (iii) Instrumentation Engineering (iv) Mechatronics Engineering and (v) Medical Electronics Engineering. The Electronics and Communication Engineering and Instrumentation Engineering comes under separate category. Based on the above AICTE notification, a resolution was passed in the third Equivalence Committee (12.11.2019) and accordingly orders were issued in the Government Order first read above. He has further stated that the petitioner, Thiru. R. Dyson in WP No. 18835 of 2017 has applied for the post during 2014 and wrote exam in 2016, but above AICTE notification was issued during 2017, it was decided to have a detailed study between M.E. Instrumentation Engineering, Madras Institute of Technology (MIT), Chromepet of Anna University to M.E. Electronics & Communication Engineering of Anna University and accordingly the meeting of Chairpersons, Board of studies/subject experts in Electronics and Communication Engineering Board was conducted by the Council on 25.11.2021. The Board prepared unitwise analysed comparative statement and declared M.E. Instrumentation Engineering, MIT Chromepet of Anna University (2009 regulations) is not equivalent to M.E. Electronics & Communication Engineering of Anna University as the similarity between these degrees is 10.94% and further observed that the candidate has studied degree during 2010-2012 and obtained his degree on April 2013. The similarity during the period is 4.7%. Further, the Committee recommended to seek the opinion of Experts of Instrumentation Engineering to check the equivalency between programmes M.E. Instrumentation Engineering & M.E. Control and Instrumentation Engineering (corresponding nomenclature to Electronics and Communication Engineering) and thereof the decision may be taken. Accordingly, the meeting of Chairpersons, Board of Studies/Subject Experts in Instrumentation Engineering was conducted. The Committee recommended that M.E. Control and Instrumentation Engineering awarded by Anna University is not equivalent to M.E. Instrumentation Engineering as the percentage of similarity between these courses is 18.5%."

17. Thus, it is evident from the above G.O. that the Equivalence

Committee after having detailed analysis, resolved that M.E. Instrumentation



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Engineering offered by Madras Institute of Technology, Chromepet campus of Anna University is not equivalent to M.E. Electronics and Communication Engineering for the purpose of employment in public service. Based on such recommendation of the Equivalence Committee, which possesses the requisite knowledge, skill and expertise for discharging such a function, the Government passed G.O. (Ms.) No. 240 Higher Education (J1) Department, dated 30.11.2021 in the same line. Therefore, the order so passed by the Government has to be necessarily accepted by this court.

18.At this juncture, the learned senior counsel appearing for the first respondent made a plea that the aforesaid G.O. (Ms) No.240 dated 30.11.2021, is applicable only for employment in public service and not for teaching position, the same cannot be countenanced by this court, as the law is well settled that the recruitment / selection / appointment has to be made in terms of the rules and regulations and the notification prescribing the qualifications; and that, the court has no business to grant the equivalence of any degrees, as the same is a technical business lies within the realm of the experts and it is better for the court to keep away or refrain from embarking upon such exercise, but it should be left to the wisdom of the expert body. Furthermore, it may not be out of place to reiterate the submission made on the side of the



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appellant that during the pendency of the writ proceedings, the entire recruitment process was over and selection to the post in question was completed and hence, the claim of the first respondent cannot be feasible for consideration at this length of time.

19. Thus, the overall appreciation of the matter, this court is of the opinion that the order of the learned Judge dated 13.06.2018 passed in WP No. 18835 of 2017, is liable to be quashed and is quashed. Accordingly, the Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.M.D., J) (M.S.Q., J)
10.04.2023

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Index : Yes / No

Internet : Yes / No

To

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2. Director of Technical Education
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