



W.P.(MD)No.20546 of 2021 and W.P.(MD)No.5089 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20546 of 2021

and

W.P.(MD)No.5089 of 2023

and

W.M.P.(MD)Nos.17183, 17184 and 17187 of 2021

and

W.M.P.(MD)Nos.4788 and 4789 of 2023

W.P.(MD)No.20546 of 2021:-

N.Benjamin Tamilselvan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Higher Education (K2) Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Chairman / Secretary to Government,
Equivalence Committee (Disbanded),
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

3.The Secretary to Government,
Personnel and Administrative Reforms (R) Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.



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4.The Chairman,
The Tamil Nadu Public Service Commission,
Chennai 600 003.

5.The Registrar,
Bharathidasan University,
Tiruchirappalli 620 024.

6.Standing Committee on Academic Affairs,
Bharathidasan University,
Tiruchirappalli 620 024.

7.The Secretary,
Bishop Heber College (Autonomous),
Tiruchirappalli 620 017.

8.The University Grants Commission,
Represented by its Secretary,
Bahadur Shah Zafar Road,
Indhraprastha Head Post Office,
Balmiki Basti, New Delhi-110 002.

9.The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai-600 006.

... Respondents

*(R8 and R9 are suo motu impleaded
vide order dated 19.11.2021 in
W.P.(MD)No.20546 of 2021 by BPJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent herein in G.O.(Ms) No.66 Higher Education (K2) Department dated 24.04.2019 insofar as Agenda No.63 therein treating



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the M.Sc., Life Science (Five Year Integrated Programme - Animal Biotechnology) awarded by 5th respondent herein as not equivalent to M.Sc. Zoology for the purpose of employment in public services is concerned and consequential impugned proceedings of 5th respondent in Lr.No.21020/D6/2016 dated 10.09.2020, quash the same and consequently direct the 1st respondent Equivalence Committee to treat the M.Sc., (Five Year Integrated Course) Life Sciences (Animal Biotechnology) as equivalent to M.Sc., (Zoology) as per G.O. Ms No.232 Personnel & Administrative Reforms (R) Department dated 22.09.1998 issued by the 3rd respondent herein on the basis of earlier recommendation made by the 2nd respondent Equivalence Committee.

For Petitioner : Mr.K.Govindarajan,
For Mr.K.Muthu Ganesa Pandian.

For Respondents : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader for R1 to R3 & R9.
Mr.J.Anandkumar,
Standing Counsel for R4.
Mr.V.R.Shanmuganathan,
Standing Counsel for R5 & R6.
Mr.K.Ragadeesh Kumar,
For M/s.Isaac Chamber for R7.

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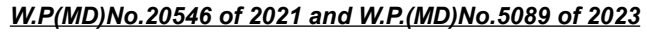
N.Benjamin Tamilselvan

... Petitioner

Vs.

1.The Chairman / Secretary to Government,
Equivalence Committee,

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... Respondents

<https://www.mhc.tn.gov.in/judis>



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COMMON ORDER

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Heard the learned counsel on either side.

2.Dr.N.Benjamin Tamilselvan is working as Assistant Professor (Zoology) in Bishop Heber College, Tiruchirappalli. The appointment was made against a sanctioned post. However, qualification approval was not given by the university. The Government also took the stand that the P.G. degree obtained by the petitioner namely, M.S., (Life Sciences) (Animal Biotechnology) is not equivalent to M.Sc., (Zoology). The order passed by the Government is under challenge in W.P.(MD)No. 20546 of 2021.

3.Even before commencing his arguments, the learned counsel for the petitioner submitted that this Court need not go into the issue of equivalence. His contention is that even as per the UGC Regulations, the qualification approval ought to have been granted. He reiterated all the contentions set out in the affidavit filed in support of W.P.(MD)No.20546 of 2021. Written arguments have also been filed.



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4.The University has filed counter affidavit and the learned standing counsel took me through its contents and called upon this Court to dismiss the writ petition.

5.The Government may not have much of say in the writ proceedings since the issue of equivalence is not being gone into.

6.I carefully considered the rival contentions and went through the materials enclosed in the typed set of papers. Regulation 4.1.I of the University Grants Commission is as follows:-

“4.0 Direct Recruitment

4.1 For the Disciplines of Arts, Commerce, Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science, Physical Education, and Journalism & Mass Communication.

I. Assistant Professor:

Eligibility (A or B) :

A.

i) A Master's degree with 55% marks (or an equivalent



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grade in a point-scale wherever the grading system is followed) in a concerned/relevant/allied subject from an Indian University, or an equivalent degree from an accredited foreign university.

ii) Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC or the CSIR, or a similar test accredited by the UGC, like SLET/SET or who are or have been awarded a Ph. D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degree) Regulations, 2009 or 2016 and their amendments from time to time as the case may be exempted from NET/SLET/SET :

Provided, the candidates registered for the Ph.D. programme prior to July 11, 2009, shall be governed by the provisions of the then existing Ordinances/Bye-laws/Regulations of the Institution awarding the degree and such Ph.D. candidates shall be exempted from the requirement of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfillment of the following conditions :-



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- a) The Ph.D. degree of the candidate has been awarded in a regular mode;*
- b) The Ph.D. thesis has been evaluated by at least two external examiners;*
- c) An open Ph.D. viva voce of the candidate has been conducted;*
- d) The Candidate has published two research papers from his/her Ph.D. work, out of which at least one is in a refereed journal;*
- e) The candidate has presented at least two papers based on his/her Ph.D work in conferences/seminars sponsored/funded/supported by the UGC / ICSSR/ CSIR or any similar agency.*

The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned.

Note: NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted by the UGC, CSIR or similar test accredited by the UGC, like SLET/SET.

OR

B. The Ph.D degree has been obtained from a foreign university/institution with a ranking among top 500 in



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the World University Ranking (at any time) by any one of the following: (i) Quacquarelli Symonds (QS) (ii) the Times Higher Education (THE) or (iii) the Academic Ranking of World Universities (ARWU) of the Shanghai Jiao Tong University (Shanghai).

Note: The Academic score as specified in Appendix II (Table 3A) for Universities, and Appendix II (Table 3B) for Colleges, shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview.”

7.A careful reading of the aforesaid regulation leads me to the conclusion that it is enough if the appointee fulfils one of the following requirements:-

“(a) qualification in the concerned subject.

(b) qualification in the relevant subject.

(c) qualification in the allied subject.”



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8.The question of equivalence has to be gone into only if the petitioner insists that he has qualification in the concerned subject. In the order passed by the university, the university has focused its attention only on the first requirement. In my view, it ought to have posed a question if the petitioner is having requisite educational qualification in the relevant or allied subject. Since this academic exercise was not undertaken by the university, I am constrained to interfere with the impugned order. The impugned order is set aside and the matter is remitted to the file of the Registrar, Bharathidasan University, Tiruchirappalli. The standing committee on academic affairs will take a decision in this regard within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the mater. A call has to be taken by the standing committee on academic affairs. The validity of the order passed by the Government is not gone into. The order passed by the university is set aside. W.P. (MD)No.20546 of 2021 is partly allowed.

9.Since the university has been directed by me to take a decision, the recruitment process initiated by the college shall be put on hold till



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the university takes its decision. W.P.(MD)No.5089 of 2023 is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Principal Secretary to Government,
Higher Education (K2) Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 2.The Chairman / Secretary to Government,
Equivalence Committee (Disbanded),
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 3.The Secretary to Government,
Personnel and Administrative Reforms (R) Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 4.The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai-600 006.
- 5.The Joint Director of Collegiate Education,
Trichy Region, Tiruchirappalli.

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G.R.SWAMINATHAN, J.

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