



W.P.(MD).No.20557 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.20557 of 2016

S.Rousewelt Reeda

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by the Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
D.P.I.Campus, College Road,
Nungambakkam,
Chennai – 600 006.
- 3.The Member Secretary,
State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai,
Triplicane,
Chennai – 600 005.
- 4.Tamil Nadu Public Service Commission,
Represented by its Chairman,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai – 600 003.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Rc.No.1285/2012 A, dated 02.09.2016, quash the same and direct the third respondent to decide about equivalence of petitioner's B.Ed. degree by convening a meeting of Heads of Boards of Studies of all Universities.

For Petitioner : Mr.M.Saravanan

For R-1 to R-3 : Mr.V.Omprakash,
Government Advocate.

For R-4 : Mr.J.Anand Kumar

ORDER

This Writ Petition is filed to quash the order dated 02.09.2016 and direct the third respondent to decide about equivalence of petitioner's B.Ed. degree by convening a meeting of Heads of Boards of Studies of all Universities.

2. The petitioner after completing higher secondary course passed B.Sc. (Botany) and M.Sc. (Botany) and subsequently passed B.Ed. degree in Bhartiya Shiksha Parishad, Uttar Pradesh in the year 2000. On 30.06.2010, the petitioner was appointed as P.G. Assistant (Botany) under self-finance sections in St. Mary's Higher Secondary School, Colachel. Subsequently on 11.06.2014, the petitioner was appointed as P.G. Assistant in the same School in a



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permanent vacancy which became vacant due to retirement of one A.Agnes Isabella. The petitioner was allotted Higher Secondary paper valuation works and other works related to teaching. The petitioner also participated in the training program and has given successful result. The School has submitted a proposal to approve the petitioner's appointment and the same was returned on 10.04.2015 citing the pendency of Writ Petition No.9945 of 2014 filed by one Mary Vimala Kumari claiming promotion (the same was withdrawn during April 2016). In the meantime, the School has obtained genuineness certificate from Manonmaniam Sundaranar University and Bharatiya Shiksha Parishad, Uttar Pradesh. At this juncture, on 21.07.2016, the School has sent a letter directing the petitioner to submit equivalence certificate for B.Ed., degree course on or before 20.08.2016. Hence, the petitioner submitted representation to the respondents 1 to 3 to grant equivalence certificate and also sent a reminder on 01.09.2016. But the petitioner received a communication dated 02.09.2016 from the third respondent, directed the petitioner to approach the fourth respondent for equivalence certificate. The contention of the petitioner is that the very same issue was considered by this Court in W.P.No.784 of 2010 and has held that the fourth respondent consists of bureaucrats cannot decide any equivalency and it is only the Tamil Nadu State Council for Higher Education constituted under the Tamil Nadu State Council for Higher



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Education Act, 1992 is the appropriate authority who has to decide equivalence by convening a meeting of Heads of Boards of Studies of all Universities. Hence, the petitioner approached this Court by way of filing this Writ Petition.

3. The 4th respondent has filed counter stating that with reference to Government Order and with reference to the specific request from the authorities concerned, a copy of the syllabus for B.Ed., course had been called for in letter dated 19.06.2017 from the Bharathiya Siksha Parishad University and the same is still awaited. Therefore, the respondents have submitted that the equivalency could not be decided and prayed to pass appropriate orders.

4. Pending Writ Petition, the Tamil Nadu State Council for Higher Education vide communication dated 26.11.2021 has submitted that the Bharatiya Shiksha Parishad, Uttar Pradesh is a fake university. However, the learned counsel appearing for the petitioner submitted that there are several litigations pending before various Courts. Therefore, the UGC had filed various petitions before the Hon'ble Supreme Court and the same is pending and if the litigations before Supreme Court is ended up in favour of the petitioner, then the petitioner's candidature should be considered for the same. However, as on date, the report from the respondents is that the said Bharatiya



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Shiksha Parishad University is not recognized by UGC and it is a fake University. Therefore, the claim of the petitioner cannot be considered. Hence, the Writ Petition deserves to be dismissed. However, if the litigation in the Supreme Court ends up in favour of the petitioner, then the respondents shall reconsider the same after the disposal of the SLP.

5. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs.

30.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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