



W.A.Nos.192 & 208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.12.2024

Coram:

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.A.Nos.192 & 208 of 2024
and C.M.P.Nos.1121, 1122, 1124, 1211, 1213 & 1215 of 2024**

V.Rajendiran

...Appellant in both W.As

Versus

1.Government of Tamilnadu,
Represented by its Home Secretary,
Home Department,
St.George Fort,
Chennai – 600 009.

...R1 in W.A.No.192 of 2024

2.Teachers' Recruitment Board,
Represented by the Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

...R2 in W.A.No.192 of 2024
& R1 in W.A.No.208 of 2024

3.The Director of Legal Studies,
Purusawalkam High Road,
Kilpauk, Chennai – 600 010.

...R3 in W.A.No.192 of 2024
& R2 in W.A.No.208 of 2024



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4.The Secretary (FAC),
Law Department of Tamilnadu,
Chennai – 600 009.

5.The Principal Secretary,
Higher Education Department,
Chennai – 600 009.

6.The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry – 605 014.

...R3 to R5 in W.A.No.208 of 2024

Common Prayer:

Writ Appeals filed under Clause 15 of Letters Patent praying to set aside the common order passed in W.P.Nos.21856 of 2019 & 6045 of 2020 dated 07.11.2023 and to allow the writ appeals.

For Appellant in both W.As : Mr.A.Alexander

For Respondents – 1 & 3
in W.A.No.192 of 2024 and
For Respondents – 2 & 3
in W.A.No.208 of 2024 : Mr.D.Ravichandar,
Special Government Pleader

For Respondent – 2
in W.A.No.192 of 2024 and
For Respondent – 1
in W.A.No.208 of 2024 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Sathish Kumar,
Standing Counsel



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For Respondent – 4
in W.A.No.208 of 204

: Mr.U.M.Ravichandran,
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

These intra Court Appeals are directed against a common order dated 07.11.2023 passed by the Writ Court in W.P.Nos.21856 of 2019 & 6045 of 2020. By the impugned order, the Writ Court has dismissed three writ petitions viz., W.P.Nos.21856 of 2019 and 6045 & 4257 of 2020. However, only the petitioner in W.P.Nos.21856 of 2019 & 6045 of 2020 has filed the present Appeals.

2. The case of the appellant/petitioner is that he has obtained L.L.M Degree in International Law, Constitutional Law & Human Rights Law (2 Years Course) from the Pondicherry University. Further, he has passed the Tamil Nadu State Eligibility Test (TN-SET) for the post of Assistant



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Professor in Law, conducted by the Mother Teresa Women's University, Kodaikanal, Tamil Nadu on 04.03.2018 and has also passed the National Eligibility Test (NET) for the post of Assistant Professor in Law, conducted by the University Grants Commission, New Delhi on 08.07.2018.

3. Since the appellant/petitioner possessed the requisite educational qualifications for the post of Assistant Professor for the subjects of International Law and Human Rights Law, he had responded to the Recruitment Notification No.2/2018 dated 18.07.2018 issued by the Teachers' Recruitment Board (TRB). In the Selection List for the said post, the appellant/petitioner was placed at the 7th place in the subject of International Law and 2nd place in Human Rights Law.

4. However, the Teachers Recruitment Board (TRB) withheld the selection of the appellant/petitioner, for want of relevant documents in both the subjects of International Law and Human Rights Law in the said Provisional Selection List and issued a Letter dated 22.05.2019 to the petitioner, requesting him to submit the Equivalence Certificate from Tamil



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Nadu Dr.Ambedkar Law University for his L.L.M Degree in International Law, Constitutional Law & Human Rights Law studied in Pondicherry University. After the receipt of said letter, the appellant/petitioner applied to the Tamil Nadu Dr.Ambedkar Law University for Equivalence Certificate for his L.L.M Degree in International Law, Constitutional Law & Human Rights Law from the Pondicherry University.

5. The Registrar-In-Charge of Tamil Nadu Dr.Ambedkar University issued an Equivalence Certificate dated 30.05.2019, certifying that the appellant/petitioner who successfully completed his L.L.M Degree Course in International Law, Constitutional Law & Human Rights Law offered by the Pondicherry University, was to be considered equivalent to the Post Graduate Degree in L.L.M of the Tamil Nadu Dr.Ambedkar Law University.

6. Meanwhile, the appellant/petitioner had filed a W.P.No.21856 of 2019 before this Court, for a mandamus to direct the 2nd respondent therein (TRB) to appoint him as Assistant Professor as per the Provisional Selection



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list dated 14.05.2019 within a stipulated time. By order dated 14.11.2019, this Court had dismissed the said writ petition with the following observations:

“10. Considering the facts and circumstances of the case and since the petitioner has not produced any Government Order treating one year M.L.Degree awarded by the Pondicherry University as equivalent to two years LLM/ML Degree of Tamil Nadu, this writ petition is dismissed.”

7. Challenging the dismissal order dated 14.11.2019 passed in W.P.No.21856 of 2019, the appellant/petitioner had preferred a writ appeal in W.A.No.173 of 2020. The Division Bench of this Court vide judgment dated 19.04.2021, partly allowed the W.A.No.173 of 2020 by setting aside the order passed in W.P.No.21856 of 2019 and remitted the case back to the Writ Court for passing a fresh order on merits.

8. Meanwhile, on the basis of the views of Subject Expert Committee and resolution of Equivalence Committee, the Government vide G.O.(Ms).No.28 Law (LS) Department dated 28.01.2020 was issued to the effect that L.L.M (International Law, Constitutional Law and Human Rights



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Law) two years Degree offered by the Pondicherry University is not equivalent to L.L.M (International Law) and L.L.M (Human Rights Law) offered by the Tamil Nadu Dr.Ambedkar Law University, for the purpose of employment in Public Services.

9. As per the aforesaid G.O, the appellant/petitioner is not eligible to be appointed as Assistant Professor in the subjects of International Law and Human Rights Law in the Government Law College. Hence, the aggrieved appellant/petitioner had filed a writ petition in W.P.No.6045 of 2020 before this Court to quash the Item Nos.2.1 & 2.6 of G.O.Ms.No.28 dated 28.01.2020 and consequently, to direct the respondents to appoint him as Assistant Professor on the basis of the selection held on 14.05.2019 with retrospective effect.

10. Subsequently, the Writ Court has dismissed the both W.P.Nos.21856 of 2019 & 6045 of 2020 filed by the appellant/petitioner vide common order dated 07.11.2023 which is impugned in these Writ Appeals.



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11. Relying on a common judgment passed by the Division Bench of this Court in the case of ***R.Arumugam Vs. Principal Secretary to Government & Ors. (W.A.Nos.301 & 302 of 2016 dated 22.03.2016)***, the Writ Court has come to the conclusion that the L.L.M Degree obtained from the Pondicherry University cannot be accepted to be equivalent to the L.L.M Degree obtained from the Tamil Nadu Dr.Ambedkar Law University.

12. The operative portion of the impugned order reads as under:

“12. The Additional Advocate General for the government respondent attracted the attention of this Court to an earlier order passed by the Division Bench of this Court in W.A.Nos.301 & 302 of 2016 dated 22.03.2016, wherein, the petitioner of that petition has challenged the recommendations of the Equivalence Committee, which has declared the post graduate degree obtained by the petitioner as not equivalent. For the sake of clarity, paragraph no.6 of the said judgment is extracted hereunder:

“6. But, we do not agree. As against the recommendations of the Equivalence Committee constituted by the Government, the certificate issued by the Registrar of the University is of no value. Moreover, the certificate is seen to have been issued by a person holding in-charge of the post of Registrar. Therefore, we do not wish to give any credence to the certificate issued by the Registrar-In Charge to hold the recommendations of the Equivalence Committee as not correct. The Government Order impugned in one of the writ petitions is based upon the report of



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the Equivalence Committee, which cannot be annulled on the basis of the letter of the Registrar – In Charge.”

13. Even in the instant case, the equivalent certificate has been given by the Registrar/I.C. Since the law in this regard has already been settled by the Division Bench of this Court, wherein, it is clearly held that the report of the Equivalence Committee cannot be annulled on the basis of the letter of the Registrar-In Charge. In such case, even if the petitioners got selected, their L.L.M Degrees cannot be accepted to be equivalent to the L.L.M Degrees obtained from the Tamil Nadu Dr.Ambedkar Law University.”

13. While passing the impugned order, the Writ Court has treated the L.L.M Degree obtained by the appellant/petitioner from the Pondicherry University as one year. Therefore, the Writ Court has dismissed the writ petitions filed by the appellant/petitioner.

14. We have considered the arguments advanced by the learned counsel on either side. We have carefully perused the records and impugned order.

15. We are of the view that the Writ Court has once again committed a mistake in dismissing the writ petition filed by the appellant/petitioner for



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the second time vide impugned order dated 07.11.2023. The Writ Court was under the impression that the L.L.M Degree in International Law, Constitutional Law & Human Rights Law obtained by the petitioner from the Pondicherry University was not equivalent to the L.L.M Degree offered by the Tamil Nadu Dr.Ambedkar Law University, based on the decision rendered by the Division Bench of this Court in the case of ***R.Arumugam Vs. Principal Secretary to Government & Ors. (W.A.Nos.301 & 302 of 2016 dated 22.03.2016)*** to conclude that the L.L.M Degree obtained by the appellant/petitioner from the Pondicherry University was not as equivalent to the L.L.M Degree offered by the Tamil Nadu Dr.Ambedkar Law University.

16. In the case of ***R.Arumugam Vs. Principal Secretary to Government & Ors. (W.A.Nos.301 & 302 of 2016 dated 22.03.2016)***, the certificate was issued by the Registrar-In-Charge of University of Madras. It was over-looked by the Division Bench of this Court with the following observations:

“6. But, we do not agree. As against the recommendations of the Equivalence Committee constituted by the Government, the



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certificate issued by the petitioner of the University is of no value. Moreover, the certificate is seen to have been issued by a person holding in-charge of the post of Registrar. Therefore, we do not wish to give any credence to the certificate issued by the Registrar – In Charge to hold the recommendations of the Equivalence Committee as not correct. The Government Order impugned in one of the writ petitions is based upon the report of the Equivalence Committee, which cannot be annulled on the basis of the letter of the Registrar – In Charge.

7. The reliance placed upon the reports of the Chairman of the Board of Studies of Different Universities, is also of no consequence. The syllabi of various courses in different universities differ. Therefore, merely because one university holds one degree as equivalent to another, the same principle cannot be extended to other universities.

8. The scope of judicial review under Article 226, over the recommendations of the Equivalence Committee especially in respect of higher education, is very limited. The learned Judge was right in refusing to exercise such a jurisdiction. The common order does not call for any interference.”

17. However, the facts are not in dispute. The L.L.M Degree in International Law, Constitutional Law & Human Rights Law obtained by the appellant/petitioner from the Pondicherry University is equivalent to the L.L.M. Degree offered by the Tamil Nadu Dr.Ambedkar Law University. Both are recognized universities by the University Grants Commission (UGC). The Pondicherry University has also confirmed the same in its Equivalence Certificate dated 04.06.2019 issued to the appellant/petitioner.



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The conclusion that the appellant/petitioner has merely obtained an Equivalence Certificate from the Registrar-In-Charge of Tamil Nadu Dr.Ambedkar Law University cannot be the basis to deny the appointment of him. Only the Degrees offered by Deemed Universities would/may require Equivalence Certificate from the Equivalence Committee.

18. At this juncture, it is pertinent to state that in the case of ***Dr.B.L.Asawa Vs. State of Rajasthan*** reported in (***AIR 1982 SC 933***), the Honourable Supreme Court held as follows:

“A Post-graduate Medical Degree granted by a University duly established by statute in this country and which has also been recognised by the Indian Medical Council by inclusion to the Schedule of the Medical Council Act has ipso facto to be regarded, accepted and treated as valid throughout our country. In the absence of any express provision to the contrary, such a degree does not require to be specifically recognised by other Universities in any State in India before it can be accepted as a valid qualification for the purpose of appointment to any post in such a State. The Division Bench of the High Court was, in our opinion, manifestly in error in thinking that since the Post-graduate degree possessed by the appellant was not one obtained from the University of Rajasthan, it could not be treated as a valid qualification for the purpose of recruitment in question in the absence of any specific order by the University of Rajasthan recognising the said degree or declaring it as an equivalent qualification. It is common ground before us that the University of Rajasthan does not conduct Post-graduate examinations in the subject of Forensic Medicine and it does not award the degree of M.L. (Forensic Medicine). In order that there



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*should be scope for declaration of 'equivalence' of a qualification obtained from another body, there should be a corresponding qualification that can be earned by virtue of passing an examination or test conducted by the concerned University. There can be declaration of equivalence only as between a degree etc. awarded by the concerned University and one obtained from a body different from the concerned University. **When the University of Rajasthan does not conduct any examination for the award of the degree of M.L. (Forensic Medicine), there cannot be any question of declaration of 'equivalence' in respect of such a degree awarded by any University.** Unfortunately, the State Public Service Commission as well as the Division Bench of the High Court failed to notice this crucial aspect. We may also point out that the declaration of 'equivalence' referred to in Section 23A of the Rajasthan University Act as well as in clause (vii) of Ordinance No. 65 of the Rajasthan University Ordinances can only be in respect of qualifications other than basic or Post-graduate degrees awarded by other statutory Indian Universities in the concerned subjects. **In the case of a Post-graduate degree in the concerned subject awarded by a statutory Indian University, no recognition or declaration of equivalence by any other University is called for.**"*

19. Thus, it was improper to have denied the appointment to the appellant/petitioner stating that L.L.M Degree in International Law, Constitutional Law & Human Rights Law obtained by the appellant/petitioner from the Pondicherry University was not equivalent to the L.L.M. Degree offered by the Tamil Nadu Dr.Ambedkar Law University. We therefore do not find any reasons to sustain the impugned order passed by the Writ Court.



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20. The upshot of above discussion is that these Writ Appeals are to be allowed and the impugned common order dated 07.11.2023 passed by the Writ Court are liable to be set aside only in respect of W.P.Nos.21856 of 2019 & 6045 of 2020. Consequently, W.P.Nos.21856 of 2019 & 6045 of 2020 are also allowed with a direction to the Teachers' Recruitment Board (R2 in W.P.No.21856 of 2019 & R1 in W.P.No.6045 of 2020) to issue appointment order to the appellant/petitioner, within a period of three months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.)

(C.S.N., J.)

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Index : Yes/No

Neutral Citation: Yes/No

Speaking Order (or) Non-Speaking Order



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To

- 1.The Home Secretary,
Home Department,
St.George Fort,
Chennai – 600 009.
- 2.Teachers' Recruitment Board,
Represented by the Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Director of Legal Studies,
Purusawalkam High Road,
Kilpauk, Chennai – 600 010.
- 4.The Secretary (FAC),
Law Department of Tamilnadu,
Chennai – 600 009.
- 5.The Principal Secretary,
Higher Education Department,
Chennai – 600 009.



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