



W.P.No.6076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6076 of 2024 and
W.M.P.No.6723 of 2024

K.K.Santhosh Kumar

...Petitioner

-Vs-

1. The State of Tamilnadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort., St., George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Chairman,
Teacher Recruitment Board,
3rd and 4th Floor,
Puratchi Thalaivar Dr.M.G.R. Centenary Building,
DPI Campus, College Road,
Chennai-600 006.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to consider the petitioner for selection and appointment to the post of P.G. Assistant (Zoology) under Persons with Disability (PWD) category consequent to Certificate Verification conducted as per proceedings of 3rd Respondent in Memorandum No.6788/E2-S1/2022 dated 23.01.2024, in consideration of B.Sc., (Microbiology) and M.Sc., (Applied Microbiology) obtained by the Petitioner as eligible qualification for appointment to the post of P.G. Assistant in Zoology in accordance with G.O.Ms.No.72, Higher Education (K2) Department dated 30.04.2013 and G.O.Ms.No.266, Higher Education (K2) Department dated 29.11.2019, with all consequential and other attendant benefits.

For petitioner	: Mr.G.Sankaran, Senior Counsel for Mr.S.Nedunchezhiyan
For respondents 1 & 2	: Mr.S.Mythreye Chandru Special Government Pleader
For respondent 3	: Mr.R.Siddharth, Government Advocate



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ORDER

This writ petition has been filed for direction directing the respondents to consider the petitioner for selection and appointment to the post of P.G.Assistant (Zoology) under Persons with Disability (PWD) category.

2. The petitioner is qualified with S.S.L.C., +2, B.Sc.,(Microbiology) and M.Sc., (Applied Microbiology) from the University of Madras. Thereafter, the petitioner was qualified with B.Ed., degree from the Tamilnadu Teacher Education University (TNTEU). Therefore, he is eligible to be appointed to the post of P.G. Assistant (Zoology). The petitioner met with accident in the year 2011 and he was subjected to permanent disability in his left leg calculated as 60% disability. It was duly certified by District Medical Board and as such he is eligible to be appointed under Persons With Disability (PWD) quota. While being so, the 3rd respondent issued notification No.01/2021 dated 09.09.2021 inviting application for direct recruitment to the post of P.G. Assistant etc.,



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in School Education and other departments for the year 2020-2021 wherein

109 vacancies have been notified for the post of P.G. Assistant (Zoology),

apart from 9 vacancies towards Backlog vacancies. The petitioner had

applied for the said post under Persons with Disability (PWD) category.

Thereafter, the petitioner had written his examination and provisional

selected list was published by the 3rd respondent to the post of P.G.

Assistant including P.G. Assistant (Zoology). However, the list of

candidates who were selected under Persons with Disability were not

published by the 3rd respondent. Subsequently, the 3rd respondent had

conducted certificate verification for the candidates to be selected under

Persons with Disability (PWD) category. The petitioner name has been

shortlisted for consideration for selection to the post of P.G. Assistant

(Zoology) under Persons with Disability (PWD) category. He attended the

certificate verification on 31.01.2024 and he produced all the certificates

related to the education qualification including Disability Certificate. The

petitioner also produced G.O.Ms.No.72 dated 30.04.2013 wherein it is

declared that eligibility of Microbiology candidate to teach Botany/Zoology

at School Education level. Accordingly, B.Sc., Microbiology is eligible



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qualification for the appointment to the post of P.G.Assistant (Botany) or P.G.Assistant (Zoology) in the School Education Department. Further as per G.O.Ms.No.266 Higher Education Department dated 29.11.2019 thereby declared that M.Sc., (Applied Microbiology) is equivalent to M.Sc., (Microbiology) for the purpose of employment in the public services. Accordingly, the petitioner produced both the Government Orders during certificate verification before the 3rd respondent. However, the 3rd respondent informed that the Government has already issued orders in G.O.Ms.No.169 dated 26.08.2022 and accordingly M.Sc., (Applied Microbiology) is not equivalent to M.Sc., (Zoology). Therefore, the petitioner was directed to produce Government Order declaring equivalent qualification required by the petitioner namely M.Sc., (Applied Microbiology) issued after G.O.Ms.No.169 dated 26.08.2022.

3. On perusal of the both the Government Orders produced by the petitioner revealed that the Applied Microbiology is equivalent to M.Sc., (Microbiology). The M.Sc., (Microbiology) is eligible qualification for appointment to the post of P.G. Assistant (Zoology) in the School Education



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Department. Now as per the subsequent G.O.Ms.169 dated 26.08.2022 ordered that qualification of M.Sc., (Applied Microbiology) is not equivalent to M.Sc., (Zoology) based on which the petitioner's name was denied for selection and appointment to the post of P.G.Assistant (Zoology) during the certificate verification.

4. Mr.G.Sankaran, the learned senior counsel appearing on behalf of petitioner, in support of his contention, also relied upon the judgment of this Court in W.P.No.32799 of 2019 and this Court held as follows :

"The facts of the present case are squarely covered by the above order. This is yet another reason why G.O.Ms.No.3, dated 05.01.2016, must be given only prospective operation. Earlier, G.O.Ms.No.483, Education Department, dated 28.03.1988, was passed by Education Department. By virtue of the said G.O., namely, G.O.Ms.No.483, B.Ed., Degree obtained from Kerala University was considered equivalent to that of Madras University. In this case, the petitioner had obtained the B.Ed., Degree in the year 2010 and, as on that date, G.O.Ms.No.483 was in force. Therefore, it cannot be said that the degree obtained by the petitioner became invalid in the year 2016 pursuant to passing of G.O.Ms.No.3, dated 05.01.2016. If the interpretation is to be given otherwise, it will have a serious impact on those persons, who had obtained a valid degree and which was considered equivalent by the previous G.O., and subsequently, were informed that the degree obtained by them was not equivalent to the corresponding degree of the Madras University. Therefore, the stand taken by the learned Government Advocate in this regard is untenable and it is hereby rejected."



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5. He further relied upon the judgment passed in W.P.No.330 of 2024 dated 09.01.2024 wherein this Court held as follows:

"11. As rightly pointed out by the learned senior Counsel for the petitioner and held by this Court in both the writ petitions as referred supra, any subsequent order cannot disqualify the degree which was validly obtained by the petitioner. In fact, as per notification, with regard B.Sc., Chemistry, G.O. Details etc., were annexed. Accordingly, as per G.O.Ms.No.254, dated 22.10.1998, B.Sc., (Bio Chemistry) is equivalent to B.Sc., (Chemistry). Thereafter, as per letter No.38561/M/2008-3 of the year 2010, B.Sc., (Bio-Chemistry) obtained from all Universities is equivalent to B.Sc., Chemistry. Thereafter, as per G.O.Ms.No.24, Personnel and Administrative Reforms (M) Department, dated 04.02.2011, B.Sc., (Bio-Chemistry) is equivalent to B.Sc., (Chemistry) obtained from all State Universities recognized by UGC. Only on the basis of the G.O.(Ms).No.72, Higher Education (K2) Department, dated 30.04.2013, B.Sc., (Bio-Chemistry) from any University is not equivalent to B.Sc., (Chemistry)."

6. Though, the learned counsel appearing for the 3rd respondent submitted that in this case, the petitioner failed to challenge the G.O.Ms.No.169, Higher Education Department (K1) dated 26.08.2022. Therefore, direction sought for this writ petition, cannot be granted. Without challenging the said Government Order, he cannot seek for any direction. He further submitted that in view of the judgment passed by this Court, the



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petitioner need not challenge the subsequent Government Order declaring that qualification possessed by the petitioner not equivalent as per required educational qualification for the post of P.G. Assistant (Zoology).

7. In view of the above judgement laid by this Court, the M.Sc., (Applied Microbiology) degree is equivalent to M.Sc., (Microbiology) and further declared that the same was eligible for the appointment to the post of teacher in School Education for the subject Botany/Zoology as per the Government Order. Therefore, by subsequent Government Order, the earlier declaration may not be inactive and based on the earlier Government Order applied for the said post.

8. In view of the above, the 3rd respondent is directed to accept and consider the degree obtained by the petitioner i.e., B.Sc., (Microbiology) and M.Sc., (Applied Microbiology) as eligible qualification for the appointment to the post of P.G. Assistant (Zoology) and proceed with selection process of the petitioner to the post of P.G. Assistant (Zoology) forthwith.



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9. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

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G.K.ILANTHIRAIYAN, J.

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To

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2. The Director of School Education,
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