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W.A.No.1431 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1431 of 2021
and
C.M.P.Nos.8894 & 13726 of 2021

Geetha

... Appellant

Vs.

1. The Principal Secretary To Government,
Fort St George , Chennai-9.

2. The Secretary To Government,
Higher Education Department,
Fort St George, Chennai- 9

3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

4. The Secretary,
Tamil Nadu State Council For Higher Education ,
Chennai.



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5. The Chairman,
Teacher's Recruitment Board,
Chennai-6.

6. The Registrar,
Bharathidasan University,
Trichy.

7. The Joint Director,
Higher Secondary School Education,
Chennai - 600 006

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order of dated 08-09-2020 made in WP.No.30062 of 2013.

For Appellant	:	Mr.S.Thirumavalavan
For Respondents	:	Mr.D.Ravichander, Spl.G.P., (for R1, R2 & R4);
	:	Mr.R.Neelakandan, AAG, assisted by Mr.K.Sathish Kumar (for R5);
	:	Mr.V.Govardhanan for M/s.Rowan Reddy (for R6);
	:	Mr.E.Sundaram, G.A. (for R7).



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J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been filed to set aside the order dated 08.09.2020 made in WP.No.30062 of 2013.

2. The writ petitioner is the appellant before us. The appellant participated in the process of selection for appointment to the post of P.G.Assistant (Physics) conducted by the Tamil Nadu Teachers Recruitment Board. The petitioner was selected and an order of appointment was issued in proceeding dated 02.01.2015. However, the appointment order would indicate that it is a temporary appointment order issued subject to verification of the educational qualification possessed by the appellant and ascertaining the genuinity of the certificates. Therefore, the conditional appointment was made subject to the qualification possessed by the selected candidate must be in consonance with the rules and the certificates produced must be genuine.

3. Mr.S.Thirumavalavan appearing on behalf of the appellant would submit that the petitioner admittedly passed M.Sc. Applied Physics (Instrumentation) awarded by the Bharathidasan University. While verifying



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the certificate of the appellant, the competent authorities, of the Education Department of Government of Tamil Nadu, found that the petitioner do not possess the qualifications as prescribed under the relevant service rules applicable for selection and appointment to the post of P.G. Assistant (Physics).

4. Mr.S.Thirumavalavan, learned counsel for the appellant, would submit that Bharathidasan University has issued a certificate stating that the qualification of M.Sc. Applied Physics (Instrumentation) is to be considered for appointment to the teaching posts at School level. G.O.Ms.No.72 dated 30.04.2013, issued by the Government, holding that M.Sc. Applied Physics (Instrumentation) is not equivalent to M.Sc. Physics is improper. The appellant was appointed in the year 2015 and was serving in the post of PG Assistant. While so, the equivalence order passed by the Government is to be treated as invalid.

5. Mr.D.Ravichander, learned Special Government Pleader, appearing on behalf of the Higher Education Department, would contend that Equivalence Committee is an expert body. The Committee has been constituted to verify the equivalence between various degrees awarded by



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universities across the country. The Equivalence Committee constituted, shall scrutinise the subjects prescribed by the Universities, form an opinion, and submit their recommendations to the Government for issuing appropriate orders. It is needless to state that such recommendations are not binding on the Government.

6. In the present case, the Equivalence Committee considered the equivalence between M.Sc. Applied Physics (Instrumentation) and M.Sc. Physics. They have recommended that they are not equivalent to each other. The recommendation was accepted and the Government issued G.O.Ms.No.72, Higher Education Department, dated 30.04.2013. Thus, the appellant is not qualified to hold the post of P.G. Assistant (Physics).

7. The Court, in exercise of the powers of judicial review, normally would not interfere with the findings made by the expert body. Court, not being an expert body, cannot substitute its views into the technical decisions taken by the academicians through the Equivalence Committee, which is duly constituted. In the present case, there are no valid grounds raised otherwise, to go into the validity of the opinion formed by the Equivalence Committee. Thus, the Government Order, accepting the recommendations of the



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Equivalence Committee is valid.

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8. The order of appointment was issued subject to the conditions that the appellant must possess the qualifications as stipulated in the service rules and possess genuineness certificates. In the present case, during verification, the authorities found that the qualification of M.Sc. Applied Physics (Instrumentation) is not equivalent to M.Sc. Physics. Therefore, the appellant is not qualified for appointment to the post of PG. Assistant Physics.

9. S.Thirumavalavan, learned counsel for the appellant, would submit that the appellant was continuously serving without salary. The learned Government Advocate would submit that the appellant was relieved from the post of P.G. Assistant Physics through proceeding dated 07.05.2021.

10. We are of the considered opinion that the appellant is entitled to salary for the period during which she served as P.G. Assistant Physics in the Department. Thus, the 7th respondent is directed to ascertain the facts regarding the duration of service rendered by the appellant as P.G. Assistant Physics in the Department, calculate the salary to be settled in favour of the appellant and pay the same within a period of six (6) weeks, if not settled



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11. With the above directions, the writ order impugned stands confirmed and consequently, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(C.K.J.,)

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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