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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.1985 of 2024
in W.P.No.55 of 2023

1.Tadi Siva Prasad

2.Meenesh Bhaduriya

.. Petitioners

vs.

Tmt.P.Sri Venkata Priya I.A.S
The Chairman
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road
Chennai
Tamil Nadu 600 006.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971,
to punish the respondent for willful disobedience in not complying with the order
dated 05.01.2023 passed by this Court in W.P.No.55 of 2023

For Petitioners : Mr.Arshadullah Sheriff

For Respondent : Mr.R,Neelakandan
Additional Advocate General
Asst.by
Mr.C.Kathiravan
Standing Counsel

**ORDER**

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This contempt petition was filed on the ground that the order passed by this Court in WP.No.55 of 2023, dated 05.01.2023 was not complied with by the respondent.

2.The writ petition was disposed on 05.01.2023, with the following direction:

5.For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law, on the petitioners' representation dated 04.08.2022, seeking reasons as to why their results were withheld though they were earlier provisionally selected for the post of lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non engineering), within a period of four weeks from the date of receipt of a copy of this order.

3.When the matter came up for hearing on 13.08.2024, this Court passed the following order:

When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondent produced the proceedings of the respondent dated 31.07.2024. On going through the same, it is seen that reasons have been assigned as to why the results of the petitioner was withheld though he was earlier provisionally selected to the concerned post.



2.The order was passed by this Court on 05.01.2023 and the respondent was directed to convey the reason within a period of four weeks. After this order was passed, the petitioners have also sent a letter dated 08.05.2023 bring to the notice of the respondent about the order passed by this Court. This letter was received by the respondent on 10.05.2023. The respondent decided to move his little finger only on 31.07.2024. The respondent has taken more than an year to convey to the petitioners the reasons as to why their names were withheld.

3.The above is only a sample of very many cases that are coming before this Court where the authorities are taking the orders passed by this Court for granted and are not complying with the directions within the time stipulated. It is quite apparent that only after this contempt petition was filed on 06.06.2024 and the notice was ordered on 23.07.2024, the respondent woke from a deep slumber and hurriedly made the proceedings dated 31.07.2023 ready. Therefore, even though the respondent has issued the proceedings, respondent is duty bound to explain the delay. This Court is absolutely not convinced with the delay and therefore, the respondent is directed to be present before this Court during the next date of hearing along with the affidavit explaining the reasons for the delay in issuing the proceedings dated 31.07.2024.

4.Post this case on 30.08.2024 at 2.15 p.m.



4.The case was thereafter taken up for hearing on 10.09.2024 and the following order was passed by this Court:

Pursuant to the earlier order passed on 03.09.2204, the learned Additional Advocate General produced the written instructions received from the Teachers Recruitment Board. The learned Additional Advocate General also placed reliance upon certain documents filed by way of typed set pf papers.

2.The relevant portions in the written instructions received from the respondent are extracted hereunder:

It is stated that the 1st petitioner Tadi Siva Prasad has pursued, Secondary School Certificate and PUC Certificate in Andhra Pradesh and B.Tech., (Mechanical Engineering) in Rajiv Gandhi University in Andhra Pradesh. It is further stated that the petitioner has pursued M.Tech., Foundary Forge Technology in National Institute of Foundry and Forge Technology, Ranchy (Jharkhand).

It is stated that the 2nd petitioner has pursued Secondary School Certificate and PUC Certificate in Madhya Pradesh. It is further stated that he has completed B.E., (Automobile Engineering) in Rajiv Gandhi Proudysiki Vishwadiyalaya, Bhopal & M.Tech (Manufacturing System Engineering) in Sant Longowal Institute of Engineering Technology Sangrur, Punjab.

It is stated that the 2nd petitioner herein had acknowledged in the list of documents/evidences produced by the candidate during Certificate Verification



in serial number 12, he has mentioned that Government Order issued for Equivalence Subject (If applicable) – Yes and for evidence he only produced the All India Council for Technical Education Notification, New Delhi, dated 28th April 2017 but did not produced the Equivalent Government Order.

3.The learned Additional Advocate General submitted that both the queries that were raised by this Court in the earlier order dated 03.09.2024 has been answered by the respondent and that the candidature of the petitioners has been rightly rejected by the respondent.

4.The learned counsel for the petitioners shall go through this order and make his submissions.

5.Post this contempt petition on 18.09.2024 at 2.15 p.m.

5.Considering the nature of grievance that was expressed by the petitioners, this Court decided to go into the issue that was raised by the petitioners and the defense that was taken by the respondent and pass final order in this contempt petition itself.

6.Heard Mr.Arshadullah Sheriff, learned counsel for the petitioners and Mr.R,Neelakandan, learned Additional Advocate General for the respondent.



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7.The educational qualification of the petitioners is tabulated as hereunder :

NAMES	10TH	12TH	UG	PG
TADI SIVA PRASAD 1 st Petitioner	March 2008 State Board SSC	May 2010 PUC	2010-2014 B.TECH-Mechanical Engineering (4 years)- Rajiv Gandhi University of Knowledge Technologies, AP (UGC Recognized)	2015-2017 M.TECH- Foundary Forge Technology(2 years) National Institute of Foundary and Forge Technology (UGC Recognized)
MEENESH BHADAURIY A 2 nd Petitioner	JUNE 2008 MADHYAPRDESH MPBSE- SSC	JUNE 2010 MADHYAPRDESH MPBSE- PUC	2011-2015 B.E-Automobile Engineering (4 years) Rajiv Gandhi Proudhyogiki Vishwavidyalaya Bhopal (UGC Recognized)	2016-2018 M.Tech– Manufacturing Systems Engineering (2 years) Sant Longowal Institute of Engineering and Technology, Punjab (UGC Recognized)

8.The Notification was issued by the Teachers Recruitment Board for filling up the post of Lecturers in Government Polytechnic Colleges and Special Institutions [Engineering/Non-Engineering]. The petitioners are falling within the branch of Mechanical Engineering. The educational qualification is prescribed in Clause 6 (b)



of the Notification which is extracted hereunder:

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Clause 6 (b) :

1.Lecturer in Engineering subjects : "A Bachelor's Degree in the appropriate branch of Engineering/Technology/Architecture* with not less than sixty Percent of marks or equivalent:

Provided that if the candidate has a Master's Degree in the appropriate branch of Engineering/Technology/Architecture", the candidate should possess a first class or equivalent in the appropriate branch either at Bachelor's or Master's degree level".

(As per Tamil Nadu Government Gazette Extraordinary No.218 dated July 8, 2017).

*As in the notification table 4 a) Vacancies are not available for Lecturer in Architecture and hence B.Arch., degree holders are not eligible to apply to this recruitment.

9.It is also relevant to take note of Clause 7 in the Notification, which is extracted hereunder:

7.Equivalent Qualification: Some of the equivalent qualifications are shown in the table below. Candidates possessing equivalent qualifications can also apply for which the Government Order has been issued. If a candidate claims his/her subject is equivalent to one of the subject notified and it is the responsibility of the candidate and the Institute/College/University in which the candidate obtained degree, to get equivalence of subject by way of Government Order from the Higher Education Department. Any



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said Government Order shall be obtained prior to the last date of the submission of online application form, otherwise the candidates are not eligible for recruitment for the particular subject.

The following table shows the Main Subjects and the equivalent Subject awarded by various Universities vide Government Orders from the Higher Education Department/P & AR Department.

10.The case of the 1st petitioner is that he has obtained UG degree from recognized university and that the same has been recognized by the AICTE Notification dated 28.04.2017. Therefore, there is no requirement to get an equivalence G.O for UG degree. Insofar the PG degree is concerned, it was submitted that the petitioner is not able to get an equivalence G.O and in any case, the completion of PG degree is not a prerequisite and it is considered only for granting weightage mark under the Notification.

11.Insofar as the 2nd petitioner is concerned, it is submitted that the UG degree and PG degree has been obtained from recognized institutions as per the AICTE Notification. That apart, as per the addendum to the Notification, the UG degree and PG degree obtained by the petitioner has been considered to be equivalent in G.O.Ms.No.270 dated 03.12.2019 and in view of the same, there is no requirement for the petitioner to acquire one more equivalence G.O for both UG and PG degree.



12. The main ground that was urged by the learned Additional Advocate General appearing on behalf of the respondent is that even as per the AICTE Notification, it is left open to the employer to insist for the equivalence G.O and to substantiate this submission, Clause II of the Notification dated 28.04.2017, was relied upon and the same is extracted hereunder:

II. General:

Major/core branches of Engineering and Technology with nomenclatures of UG and PG degrees relevant for recruitment in teaching positions in the technical institutions are hereby notified in the Annexure.

In addition to this, the BoG of the concerned Institution on the recommendation of duly constituted Selection Committee and with the approval of their respective State/UT/Central Government/University/DTE etc, as applicable may take appropriate decision on relevant qualifying degrees suitable for recruitment to teaching positions especially keeping in view interdisciplinary nature of emerging technologies. The same should however be notified at the time of advertisement for the posts. Incumbent faculty recruited in the past based on their qualification acquired will continue to be eligible in the departments they were recruited to.

13. In reply to the above submission, the learned counsel for the petitioners submitted that just because the petitioners had completed their UG and PG degrees outside the State of Tamil Nadu, that does not mean that they must necessarily get the equivalence G.O when the qualifications obtained by the petitioners is properly recognized by the AICTE.



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14. The short issue that arises for consideration in this case is as to whether the degree obtained by the petitioners can be acted upon by the respondent without insisting for the equivalence G.O since the same has been recognized by the AICTE.

15. To answer the above question, it is necessary to take note of the Notification of the AICTE dated 28.04.2017. In that Notification, the AICTE has taken note of all Major/Core branches of Engineering and Technology with nomenclatures of UG and PG degrees relevant for recruitment in teaching positions in technical institutions. However, while issuing this Notification, the AICTE has also left it open to the concerned recruitment agency/employer to insist for the relevant qualifying degrees by means of an equivalence G.O. In other words, it is left open to the recruitment agency/employer to take an appropriate decision on the relevant qualifying degrees suitable for recruitment to the teaching posts and they can insist for such equivalence G.O considering the fact that the emerging technologies are interdisciplinary in nature. In the instant case, the petitioners have acquired their degree in a recognized institution and their courses have also been recognized by AICTE. However, respondent as a recruitment agency is insisting for the equivalence G.O to ensure that the subjects studied by the petitioners is equivalent to the subjects that are undergone by the students in Tamil Nadu. The Notification itself gives the equivalence Government Orders that have already been issued in this regard.



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16.In view of the above, even though the degree obtained by the petitioners is recognized and validate, it requires an equivalence G.O as per the Notification. How far such prescription is valid, cannot be gone into in this contempt petition since the same has not been put to challenge. Considering the limited scope of the contempt jurisdiction and also keeping them in mind the fact that the issue involves the appointment of the petitioners, this Court slightly enlarged the scope of the contempt petition and decided the main issue itself in this contempt petition.

17.The relief that has been sought for by the petitioners is unsustainable in the light of the relevant Notification. Accordingly, this contempt petition is closed.

18.09.2024

Internet:Yes
Index: Yes/No
Speaking Order/Non-Speaking Order
KP

To

Tmt.P.Sri Venkata Priya I.A.S
The Chairman
Teachers Recruitment Board
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N. ANAND VENKATESH, J.

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