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W.P.No.17042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.17042 of 2024

K. Manimekalai

... Petitioner

Vs.

1. The Chairman

Teacher's Recruitment Board,
Puratchi Thalaivar Dr.M.G.R.Centenary
Building,
3 & 4 Floors, D.P.I. Campus,
College Road, Chennai 600 006.

2. Joint Director

Teacher's Recruitment Board,
Puratchi Thalaivar Dr.M.G.R.Centenary
Building,
3 & 4 Floors, D.P.I.Campus,
College Road, Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's application for recruitment pursuant to Notification No.3/2023 dated 25.10.2023 by treating the petitioner's undergraduate degree in BA (Tamil and Economics) as sufficient for the purpose of recruitment.



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For Petitioner : M/s.Adithya Reddy

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This writ petition is filed for issuance of a Mandamus directing the respondent to consider the petitioner's application for recruitment pursuant to Notification No.3/2023 dated 25.10.2023 by treating the petitioner's undergraduate degree in BA (Tamil and Economics) as sufficient for the purpose of recruitment.

2. The petitioner applied to the post of B.T.Assistant in Tamil by Notification No.3/2023 dated 25.10.2023. Even though the petitioner came out successfully in the written examination and called for certificate verification, at the time of certificate verification, the respondent authorities have stated that the certificate of the petitioner i.e, B.A.,Economics and B.A.,Tamil is not equivalent to B.A.,Tamil and therefore they did not consider the case of the petitioner. Hence, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the degree



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awarded by the Avinashilingam University is specifically held to be valid by

G.O.Ms.No.52 dated 31.01.1996. He further submitted that earlier the said institute itself has given a certificate dated 13.09.2022 wherein they have declared that B.A., Tamil and Economics is equivalent to B.A., Tamil. In the notification only undergraduation is mentioned and B.A.,Tamil is not specifically mentioned. When the petitioner possesses B.A. Tamil and Economics then that should be deemed to be an appropriate qualification.

4. Mr.C.Kathiravan, learned Special Government Pleader who takes notice on behalf of the respondents submitted that since the petitioner did not possess the under graduation in the said subject, she was not considered. It is his contention that the very same relief was considered by the appropriate Equivalence Committee vide G.O.Ms.No.66 dated 24.04.2019 and Agenda No.26 which is held to be not equivalent. Therefore, the respondent commission has no other go than to go by the said finding of the Equivalence Committee.

5. Heard both sides and perused the materials available on record.



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6. Firstly, when the notification says under graduation, it clearly means in the particular subject and therefore the argument to the contrary made by the learned counsel for the petitioner is rejected. Secondly, as far as the earlier certificate of the Institute itself holding the degrees as equivalent and the same will not bind the respondents. The Government of Tamil Nadu has a procedure which is contemplated and is in furtherance of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, whereby an Equivalence Committee is constituted, wherever the degrees is of different names or subjects and it is only the decision of the Equivalence Committee which is taken into consideration. Such an exercise has already been carried out and vide G.O.Ms.No.66 dated 24.04.2019 the same has been decided against the petitioner. In view thereof, the petitioner's degree is not equivalent as on date of the notification. The third submission of the learned counsel for the petitioner is that the said G.O. came into force only with effect from 24.04.2019 and therefore since the degree which is obtained by the petitioner is prior in point of time the same should not be applied. Equivalence is only declared and it is only an existing situation which is expressly declared. Just because the petitioner obtained degree prior in point of time, it cannot be contended that G.O.Ms.No.66 dated 24.04.2019 is not



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applicable to them. When an equivalence is declared or refused, the same would retrospectively apply to all the candidates.

7. In view thereof, I am unable to come to the rescue of the petitioner. However, if the petitioner feels that still her degree is equivalent to B.A.Tamil it would be open for her to take steps as against G.O.Ms.No.66 dated 24.04.2019 in the manner known to law. Accordingly, this writ petition stands dismissed. No costs.

26.06.2024

Neutral Citation: Yes/No
dpq

To

1. The Chairman
Teacher's Recruitment Board,
Puratchi Thalaivar Dr.M.G.R.Centenary
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3 & 4 Floors, D.P.I. Campus,
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D.BHARATHA CHAKRAVARTHY, J.

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