



W.P.No.545 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

W.P.No.545 of 2016

G.Jodhi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort St. George,
Chennai – 600 009.
2. The Joint Director of Elementary Education,
College Road,
D.P.I. Compound,
Chennai – 600 006.
3. The District Elementary Educational Officer,
Villupuram, Villupuram District.
4. The Asst. Elementary Educational Officer,
Vallam Block,
Vallam Panchayat Union,
Vallam, Villupuram District.
5. The Headmaster,
Panchayat Union Elementary School,
Virpattu,
Gingee Taluk,
Villupuram District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified mandamus to call for the entire records relating to G.O.Ms.No.72, Higher Education (K2) Department dated 30.04.2013 and quash S.No.15 found therein and the consequential proceedings of the fourth respondent in his O.Mu.No.429/A1/2015 dated 12.06.2015 and consequently direct the respondents to include the name of the petitioner in the panel of the year 2015 (1.1.2015) for the post of B.T.Teacher.

For Petitioner : Mr.C.Johnson
For Respondent : Mr.S.Prabhakaran
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed in G.O.Ms.No.72, Higher Education (K2) Department dated 30.04.2013, especially S.No.15 found therein and the consequential proceedings of the fourth respondent in O.Mu.No.429/A1/2015 dated 12.06.2015 and consequently to direct the respondents to include the name of the petitioner in the panel of the year 2015 (1.1.2015) for the post of B.T.Teacher.

2. The petitioner is qualified with B.Sc (Bio-Chemistry), B.A. (English) and B.Ed., Degrees. She was appointed as Secondary Grade Teacher on 15.07.2009 at Komalur Middle School and then she was transferred to Kurinchipadi Panchayat Union Middle School, Villupuram



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District on 31.07.2010. At present the petitioner is working as Secondary Grade Teacher at Panchayat Union Primary School, Virpattu, Villupuram District. The petitioner requested the fifth respondent to consider her claim for inclusion of her name in the panel for promotion as B.T. Assistant, but the fifth respondent vide order dated 12.06.2015 rejected the petitioner's request on the basis of G.O.Ms.No.72 dated 30.04.2013. Aggrieved by the impugned G.O.Ms.No.72 dated 30.04.2013 and the consequential rejection order dated 12.06.2015, the petitioner has filed the above writ petition for the aforesaid relief.

3. The third respondent filed a counter stating that under Rule 19 of the Tamil Nadu State and Subordinate Services, declaration to certain qualifications as equivalent were to be decided by the experts appointed by the Government. The respondent states that as per G.O.Ms.No.72, Higher Education (K2) Department dated 30.04.2013, B.Sc., (Bio-Chemistry) degree was not equivalent to B.Sc. (Chemistry). The respondent therefore states that in the light of G.O.Ms.No.72, Higher Education (K2) Department dated 30.04.2013, the request of the petitioner was rightly rejected by passing the impugned order. The respondent hence prayed for the dismissal of the Writ Petition as meritless.



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4. The learned counsel for the petitioner by relying on G.O.Ms.No.133, School Education (M2) Department dated 04.06.2012 particularly column No. '5' of the table, submitted that B.Sc., M.Sc., (Bio-Chemistry) were equivalent to B.Sc., M.Sc., (Chemistry). The learned counsel submitted that the impugned order rejecting the petitioner's request was hence unsustainable.

5. The learned Government Advocate appearing for the respondents submitted that in G.O.Ms.No.133, School Education (M2) Department dated 04.06.2012, it was made clear that B.Sc., (Bio-Chemistry) degree was not equivalent to B.Sc., (Chemistry) degree and therefore, the fourth respondent rightly passed the impugned order rejecting the petitioner's representation.

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

7. The relevant portion of G.O.Ms.No.133, School Education (M2) Department dated 04.06.2012 is extracted hereunder:

“ 3. Based on the orders of the High Court, Madras, the question as to whether the degrees mentioned in Column 2 are considered as equivalent to the degrees mentioned in Column 3 in the following table.



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Sl.No.	Name of the Subject / Awarded by the University / Instruction	Consider as equivalent to
5.	B.Sc., M.Sc., Bio-Chemistry	B.Sc., M.Sc., Chemisty

4. Orders have been issued in the G.O. fourth cited stating that the Degrees of B.Sc (Bio-Chemistry) is not equivalent to B.Sc. (Chemistry) for the purpose of employment in public Services based on the recommendation of the Equivalence Committee."

8. In the said Government Order itself it is stated that B.Sc., (Bio-Chemistry) is not equivalent to B.Sc., (Chemistry) and therefore the contention of the petitioner cannot be sustained. It is further pertinent to note that in G.O.Ms.No.72, Higher Education (K2) Department dated 30.04.2013, with regard to equivalence of degree, it is stated that the Equivalence Committee recommended that B.Sc., (Bio- Chemistry) was not equivalent to B.Sc., (Chemistry) and the said recommendation was accepted by the Government. The equivalence committee which is an expert committee constituted under Rule 19 of the Tamil Nadu State and Subordinate Service Rules, gave its recommendation that B.Sc (Bio-Chemistry) cannot be equated with B.Sc (Chemistry) degree and the Government accepted the same. While so, this Court cannot sit in judicial review over the recommendations of the expert committee as it lacks the expertise. It is also fairly well settled that in academic mattes this Court



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should be loath to interfere with the experts opinion. In my view, the wisdom of the experts in the field should be respected and upheld as they are the competent persons to evaluate the respective syllabi. When similar issue was raised before a learned Judge of this Court, the learned Judge in W.P.No.23805/2014 dated dismissed the writ petition.

9. In view of the above observations, I find no infirmity, impropriety or illegality in the impugned order and therefore the Writ Petition is liable to be dismissed and the same is dismissed accordingly. No costs.

20.08.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

WEB COPY

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State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai – 600 009.
2. The Joint Director of Elementary Education,
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N.MALA, J.

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