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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25352 of 2024
and W.M.P.Nos.27702, 27704, 27705 & 27707 of 2024

K.Revathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education K1 Department,
Fort St. George,
Chennai – 600 009.

2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

3.Teachers Recruitment Board,
4th Floor, DPI Campus,
College Road, Chennai – 600 006.

4.The Registrar,
Calicut University,
Malappuram,
Kerala – 673 635.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records of the 1st respondent in Go. Ms. No. 72, Higher Education (K1) department dated 15.03.2024 insofar as it relates to Item No. 19 stating that B.A. English language and Literature awarded by University of Calicut is not equivalent to B.A. English for the purpose of employment in public services and consequential proceedings of the 3rd respondent in the revised provisional selection list dated 27.07.2024 insofar as it mentions the petitioner's candidature as 'withheld' at S.No.3 therein, and to quash the same as being illegal and unsustainable in law insofar as petitioner is concerned and for a consequential direction to treat the petitioner as eligible for the post of B.T. Assistant for the subject-English for appointment under the recruitment notification No.3 dated 25.10.2023, issued by the 3rd respondent herein.

For Petitioner : Ms.N.Kavitha Rameshwar

For Respondents : Mr.K.Surendran
Additional Government Pleader for R1

Mrs.P.Rajarajeswari
Government Advocate for R2

Mr.C.Kathiravan
Standing Counsel for R3



ORDER

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This writ petition has been filed challenging the Government Order issued by the 1st respondent in G.O.Ms.No.72, dated 15.03.2024 insofar as it relates to Item No.19 stating that B.A. English language and Literature awarded by University of Calicut is not equivalent to B.A. English for the purpose of employment in public services and also the consequential proceedings of the 3rd respondent issuing the provisional selection list dated 27.07.2024 insofar as placing the candidature of the petitioner as withheld at Serial No.3 and for a consequential direction to treat the petitioner as eligible for the post of B.T. assistant for the subject-English for appointment under the recruitment notification dated 25.10.2023, issued by the 3rd respondent.

2.Heard Ms.N.Kavitha Rameshwar, learned counsel appearing on behalf of the petitioner, Mr.K.Surendran, learned Additional Government Pleader appearing on behalf of the 1st respondent, Mrs.P.Rajarajeswari, learned Government Advocate appearing on behalf of the 2nd respondent, Mr.C.Kathiravan, learned Standing Counsel appearing on behalf of the 3rd respondent.



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3. The issue that is involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No23520 of 2024, dated 21.08.2024. The relevant portions in the order are extracted hereunder:

5. This Court carefully went through the G.O.No.51, referred to supra. The Tamil Nadu Public Service Commission had forwarded the resolutions/recommendations passed by the Equivalence Committee formed by the Government on 30.05.2012, for considering various Under Graduate degrees/Post Graduate degrees, etc. awarded by various universities and educational institutions. While undertaking that exercise, it was found that the B.Sc. degree granted by the University of Calicut, is equivalent to the degree granted by the Madras University.

6. It is true that this exercise had taken place, when the Tamil Nadu Public Service Commission was in the process of filling up various posts in the Social Welfare Department. However, there is absolutely no indication that such determination will confine itself only to the Social Welfare Department and will not apply to other Departments.



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7. *The process of determining the equivalence in the degree granted by other universities cannot be compartmentalised between departments, in view of the fact that it is the same degree which is taken into consideration while proceeding further with the appointment by various departments. Therefore, it will be too naive to say that the determination of equivalence in G.O.No.51, will apply only to the Social Welfare Department and not to other departments. If this argument is taken to its logical end, it would mean that every time a department undertakes a selection process, an equivalence committee must be constituted to continuously review the degree granted by other universities. That will result in absurdity.*

8. *There is yet another way in which the above issue can be handled. G.O.No.51 has not been cancelled or withdrawn and there is an impact on the said G.O., only by virtue of the latter Government Order issued in G.O.No.36. This Government Order cannot operate retrospectively and take away the effect of the earlier Government Order that was issued in G.O.No.51.*

9. *It is also brought to the notice of this Court that there is an annexure to the notification issued by the 2nd respondent, wherein, there is also a reference to G.O.51 which declared the degree granted by the University of Calicut to be equivalent to the*



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corresponding degree granted by the Madras University. This is yet another point which works in favour of the petitioner.

10. In the light of the above discussion, this Court holds that the Division Bench judgment that was relied upon by the learned counsel for the petitioner, squarely covers the issue involved in this case. In the case in hand, the writ petitioner had completed B.Sc. (Physics) in the year 2006 itself. This was, in fact, recognised by the Bharathidasan University, wherein, the petitioner was allowed to undergo Post Graduate degree and he had also completed Post Graduation in the year 2015. The degree that was granted in favour of the petitioner by the University of Calicut was also held to be equivalent by virtue of G.O.No.51. The subsequent G.O.No.36 cannot obviously take away the right vested on the petitioner by the earlier Government Order. This Government Order can only have a prospective effect.

11. In the result, Sl.No.37 of G.O.36 is held to have only a prospective effect and it will not take away or affect the degree obtained by the petitioner, prior to the passing of the said Government Order. As a consequence, the name of the petitioner should be brought within the eligible candidates list and should be considered for appointment to the post of B.T.Assistant (Physics), if he is otherwise qualified.



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4. In the case in hand, the petitioner had completed her B.A.(English) in the year 2007 at Calicut University. Thereafter, the petitioner had completed her M.A. (English) in the year 2011 from Bharathiyar University. The petitioner had completed her B.Ed., course in the year 2014 at Pondicherry University.

5. The 3rd respondent had published the TNTET notification for writing the TET examination. The petitioner applied for the same and passed the TET exam in the year 2017. Thereafter, the petitioner also completed her M.Ed., at Tamil Nadu Teachers Education University in the year 2022.

6. The 3rd respondent has issued a recruitment notification inviting applications for the post of Graduate Teacher/B.T. Assistant. The petitioner wrote the examination and she was also called for the certificate verification. When the 3rd respondent published the revised provisional selection list on 27.07.2024, the name of the petitioner was mentioned as withheld for production of equivalence of U.G., degree.



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7. In the case of the petitioner, already G.O.Ms.No.51, dated 14.07.2015 has been issued and the B.A., B.Sc., and B.Ed., degree issued by the University of Calicut was held to be equivalent to the corresponding degree issued by the Madras University. In view of the same, the subsequent Government Order in G.O.Ms.No.72, cannot take away the right vested on the petitioner by the earlier Government Order. This was the ratio decidendi in the earlier order that was passed by this Court in W.P.No.23520 of 2024.

8. In the result, S.No.1, Item No.19 of G.O.Ms.No.72, dated 15.03.2024 is held to have only a prospective effect and it will not take away or affect the degree obtained by the petitioner prior to the passing of the said Government Order. The degree obtained by the petitioner has already been held to be equivalent in G.O.Ms.No.51, dated 14.07.2015. In fact, this degree was recognised when the petitioner thereafter completed her M.A., from Bharathiyar University and it was also recognised when the petitioner took the TNTET examination. As a consequence, the name of the petitioner should be brought within the eligible candidates list and should be considered for appointment to the post of B.T. Assistant (English), if she is otherwise qualified.



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Consequently, connected miscellaneous petitions are closed.

03.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Higher Education K1 Department,
Fort St. George, Chennai – 600 009.
2. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai – 600 009.
3. Teachers Recruitment Board,
4th Floor, DPI Campus,
College Road, Chennai – 600 006.
4. The Registrar,
Calicut University,
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N. ANAND VENKATESH, J.

SSR

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