



Writ Petition No.28652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28652 of 2024

and

W.M.P.No.31247 of 2024

L.Venkatesan

S/o.L.Lakshmaiah

... Petitioner

Vs.

1.The State of Tamil Nadu

represented by its

Principal Secretary to Government,

Higher Education Department,

Fort St.George, Secretariat,

Chennai - 600 009.

2.The Tamil Nadu State Council for Higher Education,

represented by its Member Secretary,

Lady Willingdon College Campus,

Kamarajar Salai, Triplicane,

Chennai - 600 005.

3.The Director for Collegiate Education,

Higher Education,

College Road, Chennai - 600 006.

4.The University of Madras,

represented by its Registrar,

Chepauk, Chennai - 600 005.

5.The Teachers Recruitment Board,

represented by its Member Secretary,

College Road, Chennai - 600 006.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Government Order issued by the first respondent in G.O.(Ms) No.212, Higher Education (K1) Department, dated 17.07.2023 insofar as it relates to item 4 and the same was communicated by the second respondent vide letter dated 27.07.2023 in RC No.2152/2023 and quash the same as illegal and unsustainable in law and consequently, direct the respondents 1 and 2 to issue appropriate Government Orders to treat the petitioner's B.A. UG Degree (Triple Major - History, Economics & Political Science) awarded by Sri Venkateswara University, Tirupathi is equivalent to B.A. Economics so as to enable him to get regular employment as Assistant Professor in Economics through the fifth respondent recruitment as per the equivalence certificate issued by the fourth respondent University dated 27.06.2018.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Surendran,
Additional Government Pleader [R1 to R3]
Mrs.Shabnam Banu, Standing Counsel [R4]
Mr.C.Kathiravan, Standing Counsel [R5]

ORDER

This writ petition has been filed challenging the impugned Government Order in G.O.(Ms) No.212, dated 17.07.2023, insofar as it relates to Item No.4 of the Government Order and the communication of the second respondent through letter dated 27.07.2023 and for a



consequential direction to the respondents 1 and 2 to treat the degree obtained by the petitioner, which was awarded by Sri Venkateswara University, Tirupathi, as equivalent to B.A.Economics so as to enable the petitioner to get regular employment as Assistant Professor in Economics.

2. The case of the petitioner is that he studied and completed B.A. in History, Economics and Political Science at Sri Venkateswara University, Tirupathi. Thereafter, he studied, M.A., M.Phil and Ph.D in Economics in Madras University.

3. The further case of the petitioner is that the fourth respondent University through certificate dated 27.06.2018 declared that the B.A. degree obtained by the petitioner from Sri Venkateswara University, Tirupathi, is considered as equivalent to B.A. (Economics) of the University of Madras for the purposes of employment.

4. The petitioner was appointed in the post of Guest Lecturer in Economics in the year 2018. This was based on the Under Graduate degree obtained by the petitioner from Sri Venkateswara University, Tirupathi. After joining as a Guest Lecturer, the petitioner subsequently



completed M.A. and Ph.D from the University of Madras. The petitioner was claiming that he is fully eligible for appointment to the post of Assistant Professor (Economics). The petitioner was directed to get equivalent Government Order. Hence, the petitioner submitted an application to the second respondent requesting to declare his Under Graduate degree as equivalent to B.A.(Economics). Since the same was not considered, the petitioner filed W.P.No.9888 of 2023 before this Court. This writ petition was disposed of by an order dated 30.03.2023 in the following terms:

"5. In view of the above submissions, without expressing any opinion on the merits of the case, this Court is inclined to pass an order directing the first respondent to consider the petitioners' applications dated 03.02.2020 and 29.09.2022 and pass appropriate orders on their own merits and in accordance with law, as early as possible, within a period of four weeks from the date of receipt of a copy of this order."

5. Subsequent to the above order, the impugned Government Order in G.O.(Ms) No.212, dated 17.07.2023 came to be issued. In this Government Order, at Item No.4, it was declared that the Under Graduate degree obtained by the petitioner from Sri Venkateswara University, Tirupathi, is not equivalent to B.A. (Economics) for the purpose of employment in public service. Pursuant to this Government Order, the communication dated 27.07.2023 was issued to the petitioner by the



second respondent. It is under these circumstances, the present writ petition came to be filed before this Court.

6. When the matter came up for hearing on 27.09.2024, this Court passed the following order:

"Mr.K.Surendran, learned Additional Government Pleader takes notice for respondents 1 to 3.

2.Mrs.Shabnam Banu, learned Standing Counsel takes notice for 4th respondent.

3.Mr.C.Kathiravan, learned Standing Counsel takes notice for the 5th respondent.

4.The issue that is involved in the present writ petition is squarely covered by the judgment of the Division Bench of this Court in W.A.No.166 of 2024 dated 12.07.2024.

5.In the case in hand, the University of Madras issued an equivalence certificate on 27.06.2018 to the effect that the degree that was acquired by the petitioner from Sri Venkateswara University, Tirupati, is equivalent to B.A. Degree in Economics of the University of Madras. However, it is seen that the candidature of the petitioner is not considered based on G.O.(Ms).No.212 dated 17.07.2023.

6.The very same issue was dealt with by the Division Bench of this Court in W.A.No.166 of 2024 and the following findings have been rendered:

"16. The basis on which the Full Bench proceeded is that when the equivalence committee had held that the degrees are equivalent, and if such recommendations are given only prospective effect it would mean that the vested rights created from the date of acquisition of the degrees, would be taken away.



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Applying the very same logic, and also noting that a degree issued by a university is to be treated on par with a decree of a competent court, it certainly creates vested rights in the candidate. Moreso, in the present case, when the university already certified the equivalence during the relevant point in time, the State Government cannot nullify such equivalence at this distance of time by giving its recommendations retrospective effect. As such, the impugned order can operate prospectively alone and cannot affect degrees obtained prior to the date of the impugned order if the equivalence have been previously certified either by a university or competent authority. We find force in the submission of the counsel for the appellant that non-equivalence orders issued much later in time cannot be deemed to be retrospective and must only be prospective in nature so as not to take away the rights of candidates like the appellant who had acquired the said degree as early as in 2012 when the same was treated as equivalent to B.Sc. (Physics) and she was also granted admission to M.Sc. (Physics) based on such equivalence.

17. It is true that this Court, in exercise of powers under Article 226 of the Constitution of India, cannot interfere with the opinion rendered by the experts in the field. This Court is also not going into the correctness or otherwise of such opinion rendered by the experts. But at the same time, the order issued in G.O. Ms. No.244, Higher Education (C2) Department dated 07.11.2022, based on the opinion rendered by the experts, should not be put against the appellant to invalidate the otherwise valid degree obtained by her during the year 2012. In fact, the second respondent University itself has given equivalence certificate in favour of the appellant, based on which she participated in the



competitive examination for the purpose of employment in public services. Therefore, we are of the view that the opinion rendered by the experts on 20.10.2022, based on which the Government issued G.O.Ms.No.244, Higher Education (C2) Department dated 07.11.2022, cannot be put against the appellant to deny her public employment. If at all, the Government Order in G.O. Ms. No.244, Higher Education (C2) Department dated 07.11.2022 must be applied prospectively and not retrospectively to bring within its sweep the degrees obtained by the students prior to the issuance of the said Government Order."

7.The learned counsel appearing on behalf of the respondents shall take instructions in this regard.

8.Post this case at the end of the motion list on 03.10.2024."

7. When the matter was taken up for hearing today, learned Additional Government appearing for respondents 1 to 3 submitted the written instructions received from the second respondent dated 03.10.2024. The relevant portions are extracted hereunder:

"Furtherance to the above, I am to state that the 15th Equivalence Committee held on 29.03.2022 passed the following resolution in respect of Triple Major and Dual Degree Subjects is as follows:-

"All the Triple major and Dual degree subjects may be revisited by the Experts Committee members. Resolved to check with the following points as suggested by the Secretary, Higher Education and the Vice-Chancellor, University of Madras in the triple Major subjects.

1. It was suggested to compare the marks statement of the specific applicant for equivalence in the specified subjects



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in case of triple major as it may include more of electives in the curriculum while the actual courses studied may be less in terms of core component.

2. Resolved that general guidelines may be issued by TANSCHER to BoS, wherever applicable comparing the syllabus from the corresponding universities or affiliating institution under its jurisdiction for objectivity."

Based on the Writ Petition filed by Thiru Venkatesan in the W.P.No.9888 of 2023, the Tamil Nadu State Council for Higher Education conducted the meeting of Chairpersons, Board of Studies in Economics of Tamil Nadu State Universities, to obtain the recommendations on equivalence between B.A. (History, Economics, Political Science) awarded by Sri Venkateswara University, Tirupathi as to whether equivalent to B.A.Economics.

The Chairperson, Board of Studies analyzed the syllabus studied by the petitioner & marksheets of the petitioner and unanimously recommended that B.A. (History, Economics, Political Science) awarded by Sri Venkateswara University to Thiru.L.Venkatesan enrolled during the year April 2009 (Bearing Register Number 107042718) is **Not Equivalent** to B.A. Economics for the purpose of employment in public services as the percentage of syllabus similarity between these courses is 30.90%.

The recommendation of the Chairpersons, Board of Studies - Economics was placed as an agenda in the 20th Equivalence Committee Meeting held on 12.07.2023. Based on the resolution passed in the 20th Equivalence Committee Meeting, the Government issued G.O.(Ms) No.212 Higher Education (K1) Department, dated 17.07.2023 declaring that B.A. (History, Economics, Political Science) awarded by Sri Venkateswara University to Thiru.L.Venkatesan enrolled during the year April 2009 (Bearing Register Number 107042718) is **Not Equivalent** to B.A. Economics for the purpose of employment in public services.

The petitioner has "misinterpreted" that the G.O.(Ms) No.212 Higher Education (K1) Department, dated 17.07.2023 has been issued without any proper consideration.

I am to state that the G.O. (Ms) No.212 Higher Education



(K1) Department, dated 17.07.2023 has been issued by the Government only on the basis of the views of the Chairpersons, Board of Studies/ Subject Experts and the resolution passed by the Equivalence Committee. Therefore, the said G.O. is valid in the eye of Law."

8. Heard Mr.M.R.Jothimanian, learned counsel for petitioner, Mr.K.Surendran, learned Additional Government Pleader appearing for respondents 1 to 3, Mrs.Shabnam Banu, learned Standing Counsel appearing for fourth respondent and Mr.C.Kathiravan, learned Standing Counsel appearing for fifth respondent.

9. The short issue that arises for consideration is as to whether the claim made by the petitioner for being appointed to the post of Assistant Professor is not sustainable in view of G.O.(Ms) No.212, dated 17.07.2023 or on the other hand, such claim made by the petitioner can be considered in the light of the equivalence certificate granted by the University of Madras, dated 27.06.2018.

10. In the written instructions received from the second respondent, the respondents have taken a stand that the claim made by the petitioner was considered by the equivalence committee consisting of



experts and it was found that the Under Graduate degree obtained by the petitioner is not equivalent to B.A.(Economics) for the purpose of employment in public services. In view of the same, the respondents have taken a stand that such decision taken by the experts cannot be made a subject matter of challenge in the writ petition.

11. The issue that is involved in the present case is squarely covered by the judgment of the Division Bench and the relevant portions have also been extracted in the earlier order passed on 27.09.2024.

12. In the case before the Division Bench, the petitioner had also acquired the Under Graduate degree/B.Sc. (Physics). This degree obtained by the petitioner therein was not considered to be equivalent by virtue of G.O.(Ms) No.244, dated 07.11.2022, based on the opinion rendered by the experts in the committee. Apart from that, the University of Madras had issued an earlier certificate stating that the Under Graduate degree obtained by the petitioner is valid and it is equivalent to B.Sc. (Physics). Considering the same, this Court had held that G.O.(Ms.)No.244, dated 07.11.2022, can only have a prospective effect and it cannot be made operational retrospectively. Accordingly, the



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Division Bench directed the candidature to be considered based on the equivalence certificate given by the University.

13. In the instant case, the Under Graduate degree obtained by the petitioner has already been held to be equivalent by the University of Madras as early as in the year 2018. For proper appreciation, the certificate issued by the University of Madras is extracted hereunder:

"He is informed that as per the remarks of the Chairperson, Board of Studies in Economics (UG), the B.A. degree course (Triple Major - History, Economics and Political Science) awarded to him by Sri Venkateswara University, Tirupati is considered as equivalent to B.A., degree in Economics of this University for the purpose of employment; provided he has passed the said degree after undergoing 10+2+3 (or) 11+2+3 pattern of study."

14. In the light of this certificate issued by the University of Madras, the subsequent Government Order in G.O.(Ms.) No.212, dated 17.07.2023, cannot be put against the petitioner. This Government Order will only have a prospective effect. In fact, with the Under Graduate degree awarded by Sri Venkateswara University, Tirupathi, the petitioner was thereafter admitted to the Post Graduate degree in M.A. (Economics) by the fourth respondent University. He completed the same and thereafter, he has also completed Ph.D (Economics). Therefore, the



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University had recognised the Under Graduate degree, which led to the petitioner obtaining higher qualifications thereafter.

15. In the light of the above discussion, this Court holds that G.O.(Ms) No.212, dated 17.07.2023, cannot take away the right vested on the petitioner by the University of Madras through certificate dated 27.06.2018. As a consequence, the petitioner will be entitled to be considered for employment as Assistant Professor (Economics), if he is otherwise qualified.

This writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

03.10.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm



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To

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- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Member Secretary,
Tamil Nadu State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai, Triplicane,
Chennai - 600 005.
- 3.The Director for Collegiate Education,
Higher Education,
College Road, Chennai - 600 006.
- 4.The Registrar,
University of Madras,
Chepauk, Chennai - 600 005.
- 5.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai - 600 006.

N.ANAND VENKATESH, J

gm



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