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W.P.No. 33250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2024

Coram:

THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN

W.P.No. 33250 of 2024 &
W.M.P.Nos.36050, 36052 and 36053 of 2024

C.Thannasi

... Petitioner

Vs.

Teachers Recruitment Board,
Rep. By its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings in Ref.No.Na.Ka.No.6840/E2/S2/2021 dated 24.09.2024 passed by the respondent and quash the same and consequently direct the respondent to forthwith appoint the petitioner for the post of Lecturer in Physics in any one of the Government Polytechnic Colleges pursuant to the Notification No.14/2019 dated 27.11.2019 issued by the respondent.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
for M/s.C.Uma

For Respondent : Mr.R.Siddharth
Standing Counsel



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ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the proceedings in Ref.No.Na.Ka.No.6840/E2/S2/2021 dated 24.09.2024 passed by the respondent and quash the same and consequently direct the respondent to forthwith appoint the petitioner for the post of Lecturer in Physics in any one of the Government Polytechnic Colleges pursuant to the Notification No.14/2019 dated 27.11.2019 issued by the respondent.

2. Heard both sides and perused the documents placed on record.

3. It is pertinent to note that the petitioner has approached this Court earlier by filing W.P.No.5732 of 2023 seeking to withheld the selection of the petitioner with Roll No.19PT1303005490 for the post of lecturer and this Court disposed of the said Writ Petition on 27.03.2024 and the said order is extracted as follows:-

“2. The petitioner is qualified with 10th std, 12th std, Undergraduation and Post graduation. The petitioner had completed his three years degree in Government Victoria College, Palakkad (affiliated to University of Calicut) in the year 2007. Based on the said degree, the petitioner secured admission for the course of Master of Science in Physics from Government Arts College, Coimbatore (affiliated to Bharathiyar University). Thereafter, the petitioner is also



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qualified with National Eligibility Test in the month of June 2018. While being so, the respondent issued notification No.14/2019 dated 27.11.2019 calling for applications from the eligible candidates for direct recruitment to the post of Lecturers in Government Polytechnic Colleges and Special Institutions(Engineering / Non Engineering). As per the notification, educational qualification for the post of Lecturer in Physics as stated in clause 6(b) is as follows:

“2.Lecturer in non-engineering subjects: A first class Master-s degree in the appropriate branch of study”

2.1 Therefore, the petitioner applied for the post of Lecturer in Physics. As per GO.Ms.No.242 Higher Education (P1) Department dated 18.12.2012, candidate should qualify 10+2+3+2 / 11+2+3 pattern for non engineering subject. It means the candidate should complete 10th std, HSC(+2), undergraduation for three years and 2 years of post graduation degree. Admittedly, the petitioner had completed his 10th std, 12th std, undergraduation and post graduation. The petitioner was permitted to write examination. However, his result was withheld on the ground that the petitioner had undergone undergraduation degree in the Calicut University and it is not equivalent to the degree obtained in Tamilnadu University.

3. The learned Additional Advocate General would submit that the intention of the notification is very clear that the petitioner should complete his undergraduation in the recognised University. Whereas the petitioner had completed his undergraduation in the non recognised university and it is not equivalent to the degree obtained in Tamilnadu as per GO.Ms.No.36 Higher Education Department (K1) dated 15.02.2023. He further submitted that in fact the petitioner challenged the said Government Order in WP.No.9326 of 2023 and this Court by order dated 04.08.2023, dismissed the writ petition on the ground that a report on equivalence after comparing the syllabus that B.Sc. Physics awarded by University of Calicut cannot be considered to be equivalent to B.Sc Physics for the purpose of employment in public services based on the percentage of syllabus similarity which was found to be below the bench mark percentage of 75%.

4. As stated supra, the qualification as per the notification to the post of Lecturer (non engineering) is that a first class Master



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degree in the appropriate branch of study. Admittedly, the petitioner is qualified with Master degree of M.Sc. Physics in the Bharathiyar University which is affiliated to Bharathiar University. Bharathiar University is recognised by the University Grants Commission. Though the petitioner completed his undergraduation degree i.e. B.Sc in Calicut University and it is not recognised by the University Grants Commission, he was admitted in the Government Arts College, Coimbatore in Master degree i.e. M.Sc. Physics. Therefore, the requirement for the post of Lecturer in the Government Polytechnic College in non engineering subject is only Master degree which the petitioner is fully qualified to apply for the said post.

5. Therefore, the respondent is directed to publish the result of the petitioner-s written examination and if the petitioner is otherwise eligible for the selection process, the respondent is directed to proceed with the selection process to the post of Lecturer in Government Polytechnic Colleges in Non Engineering subject forthwith.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed”.

4. Now, it is the contention of the petitioner that the respondent has passed proceedings dated 24.09.2024, wherein it is indicated that there is no observation in the order dated 27.03.2024 made in W.P.No.5732 of 2023 that the Writ Petition is allowed, also there is no direction in the order dated 27.03.2024 giving a time limit for implementing the order dated 27.03.2024 . Further, the impugned order dated 24.09.2024 indicated that the petitioner has not produced an equivalent G.O. that the B.Sc Physics from Calicut University is equivalent to B.Sc., Physics degree awarded in Tamilnadu and on production of equivalence



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G.O., the petitioner would be included in the provisional selection list for the post of lecturer in Physics in Government Polytechnic college. Therefore, seeking to quash the said impugned order, the petitioner has come up with this petition.

5. On the other hand, the learned Government Advocate appearing for the respondent submits that the petitioner has not produced equivalence Government Order for B.Sc., Physics from Calicut University till date, as equivalent to B.Sc., Physics awarded in Tamilnadu and that in the event of candidate obtaining equivalence G.O., the petitioner can be provisionally selected. Further, the Board has intimated in its proceedings dated 24.09.2024 to produce the original certificates including the UG decree in the appropriate branch of study. Hence it is apparent that the candidate should have pursued the prescribed and equivalent qualification in the appropriate branch of study in both UG and PG degrees. Further, the respondent being recruiting agency cannot go beyond the equivalence Government Order dated 15.02.2023 and when the under graduate degree completed by the petitioner is not equivalent to the relevant subject, as per the equivalence government order issued by Government of Tamilnadu, the Board would not be in a position to consider the petitioner's candidature, thereby pleaded to dismiss the petition.



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6. It is pertinent to point out that G.O.(Ms) No.51 dated 14.07.2015 passed by the Social Welfare and Nutritious Meal Programme (SW1) Department in Clause 3, Sl.No.6, states that the B.A., B.Sc., and B.Ed degrees issued by the University of Calicut will be considered to be equivalent to the corresponding degree granted by the Madras University. When the said G.O., has not been cancelled or withdrawn and when there is absolutely no indication that such determination will confine only to the Social Welfare Department, there is an impact on the said G.O., and the latter Government order issued in G.O.No.36 cannot operate retrospectively and take away the effect of the earlier Government order that was issued in G.O.No.51.

7. Considering the above said facts and circumstances of the case and taking note of the fact that the writ petitioner had completed B.Sc (Physics) in the year 2007 itself, this was recognised by the Government Arts College, Coimbatore (affiliated to Bharathiyar University) wherein the petitioner was allowed to do Master of Science in Physics and the degree that was granted in favour of the petitioner by the University of Calicut was held to be equivalent by virtue of G.O.Ms.No.51 and the subsequent G.O.No.36 cannot take away the right vested on the petitioner by the earlier government order and the same can only have prospective effect, this Court is inclined to allow the Writ Petition.



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In view of the above, the Writ Petition is allowed and the impugned order dated 24.09.2024 passed by the respondent is quashed and consequently, the name of the petitioner should be brought within the eligible candidates list and shall be considered for appointment to the post of Lecturer in Physics in any one of the Government polytechnic colleges, as expeditiously as possible, if he is otherwise qualified. No costs. Connected miscellaneous petitions are closed.

19.12.2024

To

Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006



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V.BHAVANI SUBBAROYAN, J.

ssd

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