



WEB COPY



W.P.No.31487 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**W.P.No.31487 of 2023 &  
W.M.P.Nos.31117 and 31118 of 2023**

N.Sudalai Muthu

... Petitioner

Vs.

1. The Secretary to Government,  
Law (LS) Department,  
Fort St. George,  
Chennai – 600 009

2. The Member Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maaligai  
DPI Campus, College Road,  
Chennai – 600 006

3. The Director of Legal Studies,  
Purasaivakkam High Road,  
Kilpauk, Chennai – 600 010

4. The Registrar,  
The Tamilnadu Dr.Ambedkar Law University,  
'Poompozhi', No.5, Dr.D.G.S.Dinkaran Salai,  
Chennai – 600 028

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for  
issuance of Writ of Certiorarified Mandamus to call for the records  
connected with the Government Order issued in G.O.(Ms) No.584 Law  
(L.S.) Department dated 27.09.2023 passed by the 1<sup>st</sup> respondent and



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quash the same and consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to appoint the petitioner for the post of Assistant Professor in Law (Crime and Torts) subject code.05 with respect of notification no.2/2018 dated 18.07.2018 and pass orders.

For Petitioner : Mr.Ilamvaludhi

For Respondents : Dr.T.Seenivasan  
Special Government Pleader for R1 and R3  
Mr.R.Neelakandan  
Additional Advocate General – VIII  
assisted by  
Mr.C.Kathiravan for R2  
Special Government Pleader (TRB)

## **ORDER**

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records connected with the government order issued in G.O.(Ms) No.584 Law (L.S.) Department dated 27.09.2023 passed by the 1<sup>st</sup> respondent and quash the same and consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to appoint the petitioner for the post of Assistant Professor in Law (Crime and Torts) subject code.05 with respect of notification no.2/2018 dated 18.07.2018 and pass orders.

2. The brief facts of the case of the petitioner are as follows:-

(i) The petitioner completed his school education in the year 2004, joined in the Aditanar College of Arts and Science, Tiruchendur in B.Sc., Zoology in the year 2004 and completed the course in the year 2007,



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thereafter, joined in the Government Law college, Tirunelveli in the year 2007 and completed B.L., in the year 2010, subsequently, joined in the 3<sup>rd</sup> respondent / University for M.L., (Criminal Law and Criminal Justice Administration) and completed the course in the year 2012-2013. With the said qualification, the petitioner joined as a guest lecturer in the Government Law College, Tirunelveli and taught classes for the subject of Law of Torts, Criminology and Penology and thereafter, Law of Evidence till date. Further, the petitioner joined Ph.D., in the 3<sup>rd</sup> respondent-University as a regular Ph.D. Scholar after the clearance of the entrance examination conducted by the 3<sup>rd</sup> respondent – University and the petitioner completed the course work and passed the research methodology and field specialization.

(ii) On 18.07.2018, the 2<sup>nd</sup> respondent issued a Notification No.2 of 2018 for the post of Assistant Professor in Law and for various posts to fill up nearly 186 vacancies and in the branch of Crime and Torts, 6 vacancies. The petitioner was permitted to write the examination, which was held on 15.10.2018 and in which, the petitioner secured highest marks (106). According to the letter dated 08.02.2019 issued by the 1<sup>st</sup> respondent, the petitioner appeared before the office of the 1<sup>st</sup> respondent for interview. But the officers attached with the Scrutiny committee prevented the petitioner to appear for interview on the reason that he completed M.L.,



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(iii) Since the petitioner has completed M.L., the petitioner had one subject liability under Torts and the same is not considered by the 1<sup>st</sup> respondent office properly, aggrieved against the act of the 1<sup>st</sup> respondent, the petitioner approached this Court on an earlier occasion by way of W.P.No.7037 of 2019 and this Court by an order dated 13.03.2019 passed an interim order to participate in the interview. Even after that, the respondents failed to send interview letter to the petitioner and a contempt petition has been filed against the respondents. Thereafter, interview was conducted and the petitioner was permitted for the interview as per the directions of this Court issued on 28.09.2021, but orders have not been passed so far.

(iv) On 22.09.2023, the 1<sup>st</sup> respondent issued a letter dated 22.09.2023, wherein at Paragraph No.4, in a clear terms, the authorities sought for time, viz., one day to comply the orders passed by this Court. In the meanwhile, the petitioner has sent a representation to the Law Department and sought for an information under RTI Act as well with regard to the persons, who are all studied Criminal Law and Criminal Justice Administration and appointed as Assistant Professor in the branch of Crime and Torts. Thereafter, a letter has been addressed by the Public Information Officer of the Director of Legal studies forwarding the orders of the Law department issued in G.O.Ms.No.161 Law Department dated 05.05.2015.



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(v) That apart, the 15<sup>th</sup> person in the said Government Order, S.R.Sandhiya was appointed as Assistant Professor and it is important to note that she studied M.L., in Criminal Law and Criminal Justice Administration, the petitioner and the said Sandhya had studied the same syllabus and subject in the M.L., but she was appointed as Assistant Professor in Crime and Torts and the state is denying the equal opportunity, which is violation of cannons of law and justice. Moreover, when a letter was issued to the petitioner on 27.09.2023 by the Law Department seeking one day time to comply with the orders of this Court, all of a sudden, after a week, an order was passed in G.O.Ms.No.584 Law Department dated 27.09.2023 rejecting the petitioner's claim and to strengthen their case in Paragraph No.6, they have assigned a reason in concurrence with the equivalence committee recommendations stating that the "Subject: Public Services – Educational Qualification – Consideration of M.L.Degree in Criminal Law and Criminal Justice Administration awarded by the Tamilnadu Dr.Ambedkar Law University '**is not equivalent**' to M.L. Degree in Crime and Torts for the purpose of employment in public service". Therefore, according to the petitioner, the appointment in G.O.Ms.No.161 Law Department dated 05.05.2015 passed by the 1<sup>st</sup> respondent is liable to be set aside.

3. The learned counsel for the petitioner would submit that when the petitioner and the person, namely, S.R.Sandhiya are classmates and



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studied the same syllabus and subjects in the M.L., in Criminal Law and Criminal Justice Administration, the respondents have chosen to appoint the said Sandhiya denying opportunity to the petitioner, which is a serious violation.

4. The learned counsel for the petitioner also submits that it is not the fault on the part of the petitioner not studying M.L., Crime and Torts because the Tamilnadu Dr.Ambedkar Law University changed and modified the M.L., Crime and Torts into M.L., Criminal Law and Criminal justice administration. It is a denial of opportunity to a students belongs to the State of Tamilnadu. In Tamilnadu, there is no M.L., Degree in the name of Crime and Torts and the only possibility is to learn the modified or equivalent subjects with Crime and Torts.

5. The learned counsel for the petitioner projects a plea that as per UGC Regulations and Qualifications, it is also very clear that eventhough allied subjects and eligible subjects are sufficient to consider for appointment for the post of Assistant Professor in Law, however, as per the legal procedure and norms, the petitioner is fully eligible for the post of assistant professor in the branch of crime and torts, thereby pleaded to allow the present petition.



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6. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 3, by way of a detailed counter affidavit submits that the equivalence committee based on the recommendation of the subject experts committee on the comparative study of unit-wise analysis of M.L.degree in Criminal Law and Criminal Justice Administration' offered by the Tamilnadu Dr.Ambedkar Law University and the M.L.Degree in 'Crime and Torts' and after studying the syllabus for both the courses, has concluded that the similarity between these courses is only 36.64% and accordingly, resolved that the M.L. Degree in 'Criminal Law and Criminal Justice Administration' is not equivalent to M.L. Degree in 'Crime and Torts'. Further, as per the direction of this Court in order dated 21.07.2022 in W.P.No.17858 of 2022, the 1<sup>st</sup> respondent, after careful consideration, concurred with the views of the equivalence committee meeting held on 28.08.2023 vide G.O.(Ms) No.584 Law (LS) Department dated 27.09.2023 and ordered that M.L.Degree in 'Criminal Law and Criminal Justice Administration' offered by the Tamilnadu Dr.Ambedkar Law University is not equivalent to the M.L. Degree in 'crime and torts'. Further, this Court time and again has upheld the fact that the resolution of the equivalence committee is final in deciding the equivalence of degrees, thereby pleaded to dismiss the petition.

7. On the other hand, the learned Additional Advocate General – VIII appearing for the 2<sup>nd</sup> respondent submitted that this Court on an earlier



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occasion, by order dated 21.07.2022 in W.P.No.17558 of 2022 directed the Law Department, Chennai to consider the equivalence certificate and disposed the case. The petitioner was not aggrieved by the order and as per the order of this Court, the issue of equivalence certificate was considered and the G.O.(Ms) No.584 Law (L.S.) Department dated 27.09.2023 was issued, wherein it is stated that M.L.Degree in Criminal Law and Criminal Justice Administration is not equivalent to M.L.Degree in Crime and torts.

8. The learned Additional Advocate General-VIII appearing for the 2<sup>nd</sup> respondent submits that in the 2014 recruitment, the question with regard to the equivalence did not arise and as far as 2017 recruitment is concerned, the expert committee was constituted to oversee the recruitment process and had given consent for final selection and based on this, the Board issued final selection for the post of Assistant professor (Pre Law/Law) 2017. At the time of certificate verification, it was stated that the petitioner did not possess Master's degree in Crime and Torts instead the petitioner was qualified with Master's degree in Criminal Law and Criminal Justice Administration. Hence the petitioner was not considered for selection, thereby pleaded to dismiss the petition.

9. Heard the learned counsel for the petitioner, the Additional Advocate General-VIII assisted by the learned Special Government



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Pleader (TRB) for the 2<sup>nd</sup> respondent and the Special Government Pleader for the 3<sup>rd</sup> respondent and perused the documents placed on record.

10. It is seen by notification dated 18.07.2018, the second respondent intended to fill up 143 vacant post of Assistant Professors and 43 vacant post of Assistant Professors (Pre-law) in Government Law Colleges and notified colleges. The notification for 143 vacant posts of Assistant Professors were notified subject-wise for 13 law subjects in Crime and Torts, for which qualification to the post of Assistant Professors are as follows:-

*“1. Master's Degree in Law in the relevant subject type for which application is made of any recognised university with not less than 55 percent marks and a good academic record; “(As per the order dated 23.12.2010 of this Court in W.P.No.10930 of 2010)”*

*Provided that candidates belonging to Scheduled castes and Scheduled Tribes shall possess not less than 50 per cent marks in the relevant subjects.*

*Provided further that holders of Ph.D in Law, who have passed their Master's Degree in Law prior to 19<sup>th</sup> September 1991, shall possess not less than 50 percent marks in the master's degree in Law.*

**AND**

*ii. Must have qualified in the National Eligibility Test (NET) or an accredited Test:*

*Provided however, that candidates, who are or have been awarded a Ph.D.Degree in accordance with the University Grants*



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*Commission (Minimum Standards and procedure for Award of Ph.D.Degree) Regulations, 2009, as amended in 2016 (3<sup>rd</sup> Amendment) shall be exempted from the requirement of the minimum eligibility condition of NET or an Accredited test.*

**AND**

*iii. Must have enrolled as an advocate in the Bar Council, Provided that other things being equal, preference shall be given to persons who have actual experience at the Bar or teaching experience”.*

As per the notification, for the posts of Assistant Professor (Law) in relevant subjects, the applicants should pass in degree of law from any recognised university not less than 55% of marks and applicant also should be qualified in the national eligibility test or aggregated post.

11. As far as the case on hand is concerned, the petitioner viz., Sudalaimuthu, who possessed Master Degree in Criminal Law and Criminal Justice Administration had applied for the post of Assistant Professors in the subject mentioned as 'Crime and Torts'. It is further seen that he has already approached this Court in WP.No.17858 of 2022 with a prayer to direct the first respondent to appoint the petitioner for the post of Assistant Professor in Law (Crime and Torts) with regard to the notification No.2 of 2018 dated 18.07.2018 on the ground that the petitioner was prevented from participating in the interview as he did not possess the required qualification, as his claim was that he possessed required ML



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degree and in M.L degree, he had one subject 'liability under Torts'.

However, the Department took a stand that the degree in Criminal Law and Criminal Justice Administration is not equivalent to Crime and Torts and therefore, the petitioner was not considered for selection. Considering the submissions made on either side, this Court passed the following directions:-

*“7. Considering the submissions made by the learned counsels and in the interest of justice, the following order is passed:-*

*(i) The 1<sup>st</sup> respondent-Board is directed to forward the claim of the petitioner to the 4<sup>th</sup> respondent / Secretary to the Government, Law Department, Chennai to consider for issuance of equivalency certificate within a period of two weeks from the date of receipt of a copy of this order.*

*(ii) Based on the said communication from the respondent-Board, the 4<sup>th</sup> respondent is directed to consider the claim of the petitioner and pass appropriate orders.*

*(iii) The said exercise shall be completed by the 4<sup>th</sup> respondent, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.”*

12. Pursuant to the order passed by this Court, the first respondent issued a Government order in G.O.Ms.No.584 dated 27.09.2023, which has been challenged in this writ petition as an impugned order. It is seen that after taking careful consideration and in obedient to the order passed in WP No.17858 of 2022, Teachers Recruitment Board was requested to



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forward the claim of the petitioner to consider for issuance of equivalence certificate for ML degree possessed by the petitioner in Criminal Law and Criminal Justice Administration, as equivalent to ML degree in Crime and Torts.

13. An equivalence committee was constituted and headed under the Chairman and the Principal Secretary to Government, Higher Education Department. The Government upheld on 28.12.2023 to decide upon the equivalence of the degree in consultation with the recommendations of the said expert committee on comparative status in unit-wise, who had conducted analysis of M.L. degree in Criminal Law and Criminal Justice Administration offered by Dr.Ambedkar Law University with the ML degree in Crime and Torts.

14. As per the impugned Government Order, where the first respondent has evaluated both degrees, one of which is obtained by the petitioner as the M.L. degree in Criminal Law and Criminal Justice Administration with the ML degree in Crime and Torts, he had come to a conclusion that both degrees have certain similar space and both courses cannot be equated to one and the same as equivalent is only 36.64 and the similarity of both degrees is less than 50% and accordingly decided that M.L. degree in Criminal Law and Criminal Justice Administration offered by



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the same University is not equivalent to M.L. degree in Crime and Torts for the purpose of employment in public services. As such, it is clear from the impugned order that the petitioner, who had completed M.L. degree in Criminal Law and Criminal Justice Administration, had passed one subject in Crime and Torts, which cannot be equivalent to M.L. degree in Crime and Torts.

15. That apart, the equivalence committee, with the reports of the expert opinion and in consultation with the experts had come to the conclusion that M.L. degree in Criminal Law and Criminal Justice Administration cannot be equivalent to M.L. degree in Crime and Torts offered by the same University.

16. This Court has to accept the reports of the expert opinion as the High Court is not an expert body to decide whether one degree is equivalent to another degree which is totally in the helm of the expert body. As such, this Court is the view that no modification is required in the impugned order ie., G.O.Ms.No.584 dated 27.08.2023 passed by the first respondent. This Court, considering the above facts and circumstances of the case, dismisses the writ petition, as the petitioner has not made out any valid case for interference.

Accordingly, the present Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

**07.03.2024**



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Index:Yes/No  
Internet:Yes/No  
Speaking / Nonspeaking order  
ssd

To

1. The Secretary to Government,  
Law (LS) Department,  
Fort St. George,  
Chennai – 600 009
2. The Member Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maaligai  
DPI Campus, College Road,  
Chennai – 600 006
3. The Director of Legal Studies,  
Purasaivakkam High Road,  
Kilpauk, Chennai – 600 010
4. The Registrar,  
The Tamilnadu Dr.Ambedkar Law University,  
'Poompozhi', No.5, Dr.D.G.S.Dinkaran Salai,  
Chennai – 600 028



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**V.BHAVANI SUBBAROYAN J.**

ssd

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W.M.P.Nos.31117 and 31118 of 2023**

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