



W.A.No.2739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.2739 of 2022

M.Sathish Kumar

... Appellant

Vs.

1. Principal Secretary to Government,
Home Department, Fort St. George,
Chennai 600 009.

2. Director General of Police, Chennai 600 009.

3. The Chairman and Director General of Police,
Uniformed Service Recruitment Board,
Anna Salai, Chennai 600 002.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order passed in W.P.No.1520/2019, dated 21.09.2022 by this court and to allow the writ appeal.

For Appellant : Mr.G.Bala

For Respondents : Mr.V.Manoharan, Addl.Govt.Pleader
for respondents 1 and 2

Mr.Lenin for third respondent



W.A.No.2739 of 2022

JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra Court appeal has been filed by the writ petitioner/ appellant

as against the impugned order passed by the writ court in W.P.No.1520 of 2019, dated 21.09.2022, in and by which, his claim "*for appointment as Sub Inspector of Police (Technical) for the year 2018, by granting marks for Additional Educational Qualification (Clause 22 of advertisement No.1, dated 11.07.2018, issued by the third respondent), taking into account the Master of Engineering (Computer Engineering/Communication Systems), if he is otherwise qualified*" was rejected.

2. The brief case of appellant/writ petitioner is as follows.

The appellant is a Post Graduate Engineer, having Master in Network Engineering from Anna University and he belonged to Scheduled Caste (Arunthathiyar) Community. He applied for the post of Sub Inspector of Police, as per Recruitment notice No.1/2018, dated 11.07.2018 and had participated in the selection process and the cut off marks for SC(A) was 48.8%. According to him, if he was awarded additional mark by the Department for his Post Graduate in (Network Engineering), he would have got the appointment, but the respondent denied the same, stating that only

Page 2 of 10



W.A.No.2739 of 2022

for the Master Engineering in Computer Science Engineering, additional marks can be awarded not for M.E. in Network Engineering. Therefore, he filed the writ petition and the same was dismissed by the learned Single Judge and challenging the order of the Writ Court, this writ appeal has been filed.

3. The learned Counsel for the appellant submitted that, the appellant is having the Degree of Bachelor of Engineering in Electronics and Communication Engineering and also the Degree of Master of Engineering in Network Engineering from Anna University. The Government of Tamil Nadu had issued G.O.Ms.No.873, Home (Pol.9) Department dated 02.12.2016 by framing Rules for the post of Sub Inspector of Police. Subsequently, in the notification issued by the Board, the required Educational qualification is specified as A degree (B.E/ B.Tech) in Electronics and Communication Engineering by All India Council of Technical Education. The appellant is a decree holder in Bachelor of Engineering in Electronics and Communication Engineering. Further, in the notification itself, it was notified that for the additional qualification of M.E. or M.Tech degree in Computer Science, 2 marks shall be given to the



candidates. He also submitted that, the appellant is having qualification in Master of Engineering in Network Engineering, which is equivalent to Master of Engineering in Computer Science. Therefore, the appellant is entitled to get 2 marks for the additional qualification. To substantiate his contention, he relied upon the *Notification issued by the All India Council for Technical Education, New Delhi dated 28.04.2017*, in which, *for the major course of Computer Science and Engineering*, relevant/appropriate nomenclature of P.G. degree in Engineering/Technology are mentioned and one of the *relevant P.G. degrees is Network Engineering*. He also added that, as per the above notification, two marks ought to have been added to the appellant for his additional qualification and if the same was awarded by the Board, he would have got the employment. Hence, he prayed to set aside the order passed by the writ court and to grant the relief to the appellant.

4. The learned counsel appearing for the respondents make their submission, supporting the order passed by the learned Single Judge and seeks for dismissal of the writ appeal.



W.A.No.2739 of 2022

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5. Heard the learned counsel for the appellant and we have perused the materials on record.

6. It is not disputed by both the parties that the appellant is having additional qualification of Post Graduate in Master of Engineering (Networking Engineering). The only issue is whether the above said degree is equivalent to Master of Engineering in Computer Science or not.

7. As per G.O.(Ms) No.873 Home (Pol.9) Department, dated 02.12.2016, the Rules for appointment to the post of Sub Inspector have been amended in which, marks for the additional qualifications is tabulated. The said tabular column shows that for additional qualification of " M.E. or M.Tech. degree in Computer Science or I.T. - 2 years", two marks shall be given to the candidates. Subsequently, following the above government order, the Board had issued the Advertisement No.1/2018, dated 11.07.2018 inviting applications to the post of Sub Inspector of Police (Technical). In the said notification at paragraph No.21, marks for the additional qualification is tabulated, as shown in the above said government order in

Page 5 of 10



W.A.No.2739 of 2022

G.O.Ms.873, which is reproduced as follows.

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21. Marks for additional educational qualifications.

Marks shall be given to the candidates for possessing additional educational qualifications as detailed below, subject to a maximum of five marks. These additional marks will be awarded to the candidates possessing the following certificates during viva-voce.

<i>Educational Qualification</i>	<i>Marks</i>
B.E. Degree in Electronics and communication Engineering-4 years	2
....	
<i>M.E. or M.Tech degree in Computer Science- 2 years</i>	2

According to the respondent/Board, only for the qualification of Master of Engineering in Computer Science, two marks will be awarded and not to the qualification of Master of Engineering in Networking. Per contra, it is the contention of the appellant that the qualification of Master of Engineering in Networking is equivalent to M.E. in Computer Science.

8. At this juncture, it is relevant to note that, before the date of issuing the Advertisement No.1/2018 dated 11.07.2018 by the third respondent Board, the All India Council for Technical Education, New Delhi, had issued a notification dated 28.04.2017, regulating the ***Major/Core Branch of Engineering/Technology and their relevant/appropriate courses leading***



W.A.No.2739 of 2022

to degree in Engineering/Technology for recruitment to teaching

positions. Accordingly, the name of the relevant courses (Major Disciplines of Engineering/Technology); and its corresponding course of Engineering/Technology; and also its appropriate nomenclature of U.G. and P.G. degree in Engineering/Technology has been shown in the tabular column. For the major course of Computer Science and Engineering, it is tabulated as follows.

<i>Major Disciplines of Engineering/Technology</i>	<i>Corresponding Course(s) of Engineering/Technology</i>	<i>Relevant/ Appropriate Nomenclature of UG degree in Engineering/Technology</i>	<i>Relevant/ Appropriate Nomenclature of PG degree in Engineering/Technology</i>
<i>Computer Science and Engineering</i>			Master of Science in software Engineering <i>Network Engineering</i>

Therefore, from the above Regulations issued by the All India Council for Technical Education, it is clear that the qualification of Master of Engineering in Network Engineering is equivalent to Master of Engineering in Computer Science. It is to be noted that, when the above said Regulations is in force, the Board has issued the Advertisement No.1/2018 dated



W.A.No.2739 of 2022

11.07.2018 and hence the above Regulations is squarely applicable to the case of the appellant. Therefore, we are accepted the contention of the learned counsel for the appellant and hence, the order of the writ court is liable to be set aside.

9. Accordingly, the order passed by the learned Single Judge is set aside and the writ appeal is allowed with the following directions.

i) The respondent Board is directed to award two marks to the appellant for the additional qualification obtained by him in Master of Engineering in Network Engineering.

ii) The respondent Board is directed to send a communication to the appellant/writ petitioner for his appearance, to proceed further process of selection, in accordance with the terms and conditions of the Advertisement No.1/2018, dated 11.07.2018 and consider him for appointment to the post of Sub Inspector of Police (Technical), in any one of the vacancies, for the recruitment year 2018, or in the subsequent years, if available, subject to the satisfaction of the eligibility.

iii) If no such vacancy is available, the appellant shall be considered on the upcoming vacancy arising in future and the same shall be



W.A.No.2739 of 2022

communicated to the appellant/writ petitioner.

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iv) If the appellant/writ petitioner is selected for appointment to the post of Sub Inspector of Police (Technical), he shall be treated as a fresh appointee and he cannot claim any seniority on par with his batch mates, who got recruitment, as per notification No.1/2018, dated 11.07.2018.

v) The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the order.

(D.K.K.J.) (K.B.J.)

24.06.2024

Internet: Yes/No
Index : Yes/No
mst

To

1. Principal Secretary to Government,
Home Department, Fort St. George,
Chennai 600 009.
2. Director General of Police, Chennai 600 009.
3. The Chairman and Director General of Police,
Uniformed Service Recruitment Board,
Anna Salai, Chennai 600 002.



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W.A.No.2739 of 2022

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W.A.No.2739 of 2022

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