



W.P.Nos.27247 of 2017 and 75 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.03.2024

PRONOUNCED ON : 03.06.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.Nos.27247 of 2017 and 75 of 2019  
and WMP.No.29096 of 2017 and 31816 of 2019

E.Kavitha

... Petitioner in both the petitions

Vs.

1. The State of Tamil Nadu,  
Rep. By its Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
2. The State of Tamil Nadu,  
Rep. By its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
3. The Director of School Education,  
DPI Campus, College Road,  
Chennai 600 006.
4. The Chairman,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, E.V.K.Sampath Maligai,  
DPI Campus, College Road,



Chennai 600 006.

5. The Secretary,  
Tamil Nadu Public Service Commission,  
VOC Nagar, Frazer Bridge Road,  
Park Town,  
Chennai 600 003.

... Respondents in WP.No.27247 of 2017

1. The State of Tamil Nadu,  
Rep. By its Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
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Chennai 600 006.
5. The Chairman,  
Tamil Nadu Public Service Commission,  
VOC Nagar, Frazer Bridge Road,  
Park Town,  
Chennai 600 003.
6. The Registrar,  
University of Madras,  
Ezhilagam, Chepauk,  
Chennai 600 005.

... Respondents in WP.No.75 of 2019



PRAYER in WP.No.27247 of 2017: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to issue appointment order to the petitioner (17PG32011852) to the post of PG Assistant (Tamil) under GT(W) category as per selection list issued by 4<sup>th</sup> respondent dated 12.09.2017 based on the communication forwarded by Tamil Nadu Open University in F.No.TNOU/Gen1-39/2017/174, dated 07.09.2017, by considering the representation submitted by the petitioner dated 08.09.2017.

PRAYER in WP.No.75 of 2019: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Government order issued by the 1<sup>st</sup> respondent in G.O.Ms.No.56, Higher Education (K-2) Department dated 15.03.2018 and to quash the same insofar as directing the respondents 1 to 5 declaration of B.A. (Functional Tamil) awarded by Tamil Nadu Open University not equivalent to B.A. (Tamil) is concerned and to pass appropriate orders declaring B.A. (Functional Tamil) degree awarded by Tamil Nadu Open University is equivalent to B.A.(Tamil) by considering the Certificate of Equivalence issued by University of Madras dated 16.03.2015 and 20.02.2018 and other relevant materials and further to appoint the petitioner to the post of PG Assistant (Tamil) for GTW category as per selection list issued by 4<sup>th</sup> respondent dated 12.09.2017, on par with juniors selected with all consequential and other attendant benefits within a time frame to be fixed by this Court.



For Petitioner : Ms.M.Kaviya for  
Mr.S.Nedunchezhiyan

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For Respondents

for RR1 to 3 : Mr.L.S.M.Hasan Fizal, AGP (in both the petitions)  
for R4 : Mr.Alagu Goutham (in both the petitions)  
for R5 : Mr.R.Bharanitharan (in both the petitions)  
for R6 : Mr.M.Arunkumar (in WP.No.75 of 2019)

### **COMMON ORDER**

Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3, the learned Standing Counsel appearing for the fourth respondent, the learned Standing Counsel appearing for the fifth respondent and the learned Standing Counsel appearing for the sixth respondent.

2. Since the issue involved in these 2 Writ Petitions is one and the same, they are disposed of by a common order.

3. On careful perusal of the materials available on record, the following admitted facts emerges for consideration in these Writ Petitions:

i) The petitioner belongs to Most Back Class (MBC) community.



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- ii) The petitioner completed 12<sup>th</sup> standard and obtained Bachelor's Degree in B.A.(Functional Tamil) from the Tamil Nadu Open University in the year 2012 and further obtained a Degree in B.Ed. in the year 2013. She also obtained Post Graduation Degree in M.A.(Tamil) from the University of Madras in the year 2016 through correspondence course. She secured first rank in B.A.(Functional Tamil) and awarded with Gold Medal.
- iii) The petitioner cleared National Eligibility Test in December 2015. She passed the State Level Eligibility Test in February 2016 and she also cleared Teachers Eligibility Test in the year 2017. The petitioner has been selected to the post of Junior Assistant in Group-IV examination conducted by TNPSC in the year 2012 and appointed as Junior Assistant in School Education Department on 04.02.2013.
- iv) The Teachers Recruitment Board issued Notification No.03/2017 dated 09.05.2017 for direct recruitment to the post of PG Assistant/Physical Director Grade-I in Tamil Nadu Higher Secondary Educational Service. In the said notification, 412 vacancies have been notified for the post of PG Assistant (Tamil). As per the notification, the method of selection involves written examination and awarding of



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weightage marks through Certificate Verification.

- v) The petitioner submitted application for selection to the post of PG Assistant after getting necessary permission from the Department. She attended the written examination on 02.07.2017 and secured 80 marks and thereby she was provisionally selected to attend certificate verification under GT(G) category. The petitioner attended certificate verification on 28.08.2017 and produced all the certificates.
- vi) Subsequent to certificate verification, results were published by the TRB on 12.09.2017 and the petitioner was selected to the post of PG Assistant (Tamil) under GT (W) turn with remarks as “equivalence certificate to be produced”. The petitioner name was included in the provisional selection list in Sl.No.79 after certificate verification and as per the instructions of the TRB, the petitioner has to produce the equivalence certificate for B.A.(Functional Tamil).
- vii) Basing on the selection list dated 12.09.2017, placement counselling for issuance of posting order was conducted on 19.09.2017. But the petitioner was not issued with any communication to participate in the counselling for posting and for placement orders. On enquiry, she came to know that her name was not included for the counselling as



she has not produced the equivalence certificate for B.A.(Functional Tamil) and all other candidates were issued posting orders on 21.09.2017. Aggrieved against the action of the respondents, the petitioner filed W.P.No.27247 of 2017. During the pendency of the Writ Petition No. 27247 of 2017, the State Government issued G.O.Ms.No.56, Higher Education (K-2) Department dated 15.03.2018, wherein it is stated that B.A.(Functional Tamil) awarded by the Tamil Nadu Open University is not equivalent to B.A. (Tamil) for the purpose of employment in Public Services. Challenging the said G.O.Ms.No.56, dated 15.03.2018, the petitioner is constrained to file W.P.No.75 of 2019.

4. The learned counsel for the petitioner would submit that B.A. (Functional Tamil) Degree acquired by the petitioner is equivalent to B.A. (Tamil), which is evident from the certificate dated 16.03.2015 issued by the University of Madras, wherein it is declared that B.A. (Functional Tamil) awarded by the Tamil Nadu Open University is equivalent to B.A. (Tamil) of University of Madras provided that the candidate should have passed degree under 10 + 2 + 3 or 11 + 1 + 3 pattern of study. Apart from that, the Tamil



Nadu Open University also issued equivalence certificate to declare that B.A. (Functional Tamil) of Tamil Nadu Open University is equivalent to B.A. (Tamil) programme of any other University. In view of the declaration made by the Tamil Nadu Open University and the Madras University, the learned counsel for the petitioner would contend that the petitioner is entitled for selection to the post of P.G. Assistant (Tamil) based on the marks secured by her in written examination conducted by the Teachers Recruitment Board (TRB). However, TRB is erroneously insisting orders of the Government to declare the equivalence of degree after obtaining recommendations of the Equivalence Committee.

5. The learned counsel for the petitioner also submits that the Government issued orders in G.O.Ms.No.112, Higher Education (K2) Department, dated 18.07.2014 declaring equivalence of various degrees including B.A. (Functional Tamil) awarded by Pondicherry University is equivalent to B.A. (Tamil).



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6. The learned counsel for the petitioner would also submit that the Tamil Nadu Open University has also forwarded proposals to the Tamil Nadu Public Service Commission to place the subject before the Equivalence Committee constituted for the purpose to declare B.A.(Functional Tamil) awarded by the Tamil Nadu Open University is equivalent to B.A. (Tamil) and the same was forwarded to the Tamil Nadu State Higher Education Council and the same is under consideration.

7. The learned counsel further submits that the Government issued orders in G.O.Ms.No.56, Higher Education (K-2) Department dated 15.03.2018 approving the resolution passed by the 57th Equivalence Committee meeting of TNPSC by which B.A. (Functional Tamil) Degree awarded by the Tamil Nadu Open University is declared to be not equivalent to B.A. (Tamil) for the purpose of employment in Public Services. The learned counsel would contend that the said G.O. impugned in W.P.No.75 of 2019 is exfacie illegal, arbitrary and against law and the same is liable to be quashed.

8. On behalf of the Teachers Recruitment Board / fourth respondent a



counter has been filed, supporting G.O.Ms.No.56, dated 15.03.2018.. The learned counsel appearing for the respondent contends that in the light of G.O.Ms.No.56, dated 15.03.2018, B.A. (Functional Tamil) awarded by the Open University is not equivalent to B.A. (Tamil) and the petitioner's candidature could not be considered.

9. At this stage, the learned counsel for the petitioner has drawn attention of this Court to G.O.Ms.No.19, Higher Education (K1), Department, dated 02.02.2022 by placing a copy of the said G.O. before this Court. On perusal of the same, it appears that the Government after careful consideration approved the resolution passed in 13th Equivalence Committee through circulation on 10.12.2021 held under the Chairmanship of the Principal Secretary to Government, Higher Education Department and declared that certain degrees offered by various Universities / Educational Institutions, be equivalent to the similar degrees mentioned therein from the date of issuance of such degrees for the purpose of employment in the Public Services. In the said G.O., it is stated that B.A. (Functional Tamil) awarded by the Tamil Nadu Open University has been declared as equivalent to B.A. (Tamil) for the purpose of employment in Public Services. After issuance of



G.O.Ms.No.19, Higher Education (K1), Department dated 02.02.2022, by the State Government, it is clear that B.A. (Functional Tamil) is equivalent to B.A. (Tamil) for the purpose of employment in Public Services and the said degree is equivalent from the date of issuance of such degree.

10. In my considered view, after issuing G.O.Ms.No.19, Higher Education (K1) Department, dated 02.02.2022 by the State Government, no further adjudication is required on this aspect as already B.A. (Functional Tamil) degree has been declared as equivalent to B.A. (Tamil) for the purpose of employment in Public Services. As such, both these Writ Petitions are liable to be allowed.

11. At this stage, the learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Apex Court in ***Praveen Kumar C.P. vs. Kerala Public Service Commission and Others*** reported in 2021 17 SCC 383, wherein an identical issue of equivalence of degrees were considered. The Hon'ble Apex Court while allowing the Civil Appeals has set aside the impugned judgment giving benefits to the eligible candidates on the ground of lapse of efflux of time. The relevant portion of the said



judgment is extracted hereunder:

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*“28. The judgments under appeal are accordingly set aside and the orders of the Tribunal dated 20.09.2019 and 02.09.2019 shall stand restored. Let result of the appellants be disclosed and in the event, on the basis of their performance, they come within the list of selected candidates as per the ranked lists, the benefit thereof shall not be denied to the appellants on the ground of lapse of the list by efflux of time. In the event they qualify for appointment, they shall be given appointment and they shall be treated to have been in service from the date of their appointment in their respective posts.”*

12. Having considered the entire issue comprehensively, this Court is of the considered opinion that the petitioner is entitled for appointment as P.G. Assistant (Tamil) in the light of G.O.Ms.No.19, Higher Education (K1) Department, dated 02.02.2022 and the respondents shall give appointment to her without denial on the ground of lapse of efflux of time.

13. Accordingly, both the Writ Petitions are allowed with the



following directions:

The fourth respondent shall issue appointment order to the petitioner to the post of PG Assistant (Tamil) under GT(W) category as per the selection list issued by the fourth respondent dated 12.09.2017, within a period of four weeks from the date of receipt of a copy of this order.

No costs.

Consequently, connected miscellaneous petitions are closed.

03.06.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

pvs



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**BATTU DEVANAND.J.,**  
pvs

Pre-delivery order in

W.P.Nos.27247 of 2017 and 75 of 2019

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