



W.P.No.188 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.188 of 2020
and WMP No.218 of 2020

Dr.N.Sangeetha

... Petitioner

VS.

1. The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road,
Chennai – 600 006.

3. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to passing of the Impugned G.O.(Ms) No.15 of 2019



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dated 22.1.2019 issued by the 1st respondent and quash the same and consequently direct the respondents to pass an order of appointment for the post of Assistant Professor (Bio-Technology) in any one of the Government Colleges as this Court deems fit and proper.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.R.Neethiperumal (for R1)
Government Advocate
Mr.C.Kathiravan (for R2)
Special Government Pleader

ORDER

The present writ petition is filed challenging the order passed by the 1st respondent in G.O.(Ms.) No.15, Higher Education (J1) Department, dated 22.01.2019, thereby declaring that B.Sc. (Bio-Chemistry) awarded by Bharathidasan University is not equivalent to B.E./B.Tech. (Industrial Bio-Technology) for the purpose of employment in public services.

2. The petitioner is qualified with B.Sc. (Bio-Chemistry), M.Sc. (Bio-Chemistry), M.Phil. (Bio-Technology) and Ph.D. (Bio-Chemistry). While being so, the 2nd respondent issued the notification dated 11.02.2012, calling for the application to fill up the posts of Assistant Professor in the Industrial Bio-Technology subject. The qualification for the said post mentioned in



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the notification is B.E./B.Tech or M.E./M.Tech., in Industrial Bio-Technology or its equivalent either in B.E./B.Tech. or M.E./M.Tech.

3. The petitioner had applied for the said post of Assistant Professor in the Industrial Bio-Technology subject. Thereafter, the petitioner was allowed to write examination conducted by the 2nd respondent. The petitioner was qualified in the written examination and short-listed for certificate verification. During the certificate verification, the petitioner produced the certificates. However, the candidature of the petitioner was rejected on the ground that the petitioner does not possess the requisite qualification. Therefore, the petitioner submitted a representation to consider the petitioner's candidature to the post of Assistant Professor in the Industrial Bio-Technology subject. However, the said representation is not considered and as such the petitioner was constrained to approach this Court in W.P.No.35191 of 2012.

4. While the said writ petition was pending, the 1st respondent produced the Government Order dated 22.01.2019, which is impugned in this writ petition stating that the degree obtained by the petitioner awarded



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by the Bharathidasan University is not equivalent to B.E./B.Tech.(Industrial Bio-Technology) for the purpose of employment in public services.

Therefore, the said writ petition was dismissed as infructuous. The present writ petition has been filed challenging the Order dated 22.01.2019 passed by the 1st respondent.

5. The learned counsel for the petitioner submitted that the UGC regulation dated 30.06.2010 fixed the qualification for the post of Assistant Professor for the subject of Bio-Technology (Engg. & Tech.), as follows:

“1. First class Master's Degree in the appropriate branch of Engineering (Engg.) & Technology (Tech.);

OR

2. A Ph.D. Degree in Applied Biological Sciences such as, Micro-Biology, Bio-Chemistry, Genetic, Molecular Biology, Pharmacy and Bio-Physics;

3.”

Learned counsel further submitted that the petitioner has qualified M.Sc. (Bio-Chemistry), M.Phil. (Bio-Technology) and Ph.D. (Bio-Chemistry). Therefore, the qualification of the petitioner is equivalent to basic degree of B.E./B.Tech in Industrial Bio-Technology.



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6. Pending W.P.No.35191 of 2022, the Expert Committee meeting was held on 21.01.2019 in Tamil Nadu State Council for Higher Education and the Committee analysed the subjects whether B.Sc. (Bio-Chemistry) and M.Sc. (Bio-Chemistry) awarded by the Bharathidasan University, Thiruchirapalli, would be equivalent to B.E./B.Tech (Industrial Bio-Technology) and M.E./M.Tech (Industrial Bio-Technology), for the purpose of employment in public services. Unit wise comparison of B.Sc. (Bio-Chemistry), Bharathidasan University with B.E./B.Tech (Industrial Bio-Technology), Anna University, was made by the Expert Committee.

7. Based on the analysis, the Committee has recommended that the B.Sc. (Bio-Chemistry) awarded by Bharathidasan University is not equivalent to B.E./B.Tech (Industrial Bio-Technology). Likewise, while comparing M.Sc. (Bio-Chemistry), awarded by Bharathidasan University with M.E./M.Tech (Industrial Bio-Technology) syllabus, the Expert Committee had opined that M.Sc. (Bio-Chemistry) awarded by Bharathidasan University is not equivalent to M.E./M.Tech (Industrial Bio-Technology).



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8. In fact B.Sc., and M.Sc., are not professional degrees. The post of Assistant Professor was called for in the subject of Industrial Bio-Technology. The qualification for the said posts as per the notification was B.E./B.Tech in Industrial Bio-Technology or its equivalent either in B.E./B.Tech or M.E./M.Tech. Further, as per the UGC regulations, the qualification mentioned is for the post of Assistant Professor for the subject of Bio-Technology (Engg. & Tech.) Discipline and hence, it cannot be compared with the posts of Assistant Professor for the subject of Industrial Bio-Technology.

9. Therefore, this Court finds no infirmity or illegality in the equivalency certificate issued in G.O.(Ms.) No.15, Higher Education (J1) Department, dated 22.01.2019. The Writ Petition is devoid of merits and liable to be dismissed.

10. Accordingly, the Writ Petition stands dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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Fort St. George,
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G.K.ILANTHIRAIYAN, J.

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