



W.P.(MD)No.15064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15064 of 2024

and

W.M.P.(MD)Nos.13206 and 13207 of 2024

G.Aruna

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Collegiate Education Department,
Fort.St.George, Chennai.
- 2.The Director of Collegiate Education,
College Road, Chennai-600 015.
- 3.The Principal,
Government Arts and Science College,
Kadayanallur,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order issued by the second respondent vide his impugned proceedings in Na.Ka.No.12246-B2-2024 dated 25.06.2024 and quash the same as illegal.



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For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed challenging the order of the second respondent vide proceedings in Na.Ka.No.12246-B2-2024 dated 25.06.2024.

2.By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard Mr.S.Mohamed Suhail, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

4.The petitioner having the qualification of B.E., and M.E., (Computer Science) has applied to the post of Assistant Programmer and succeeded in the process of selection. Presently, the petitioner is working in the third respondent Institution. While so, one of the applicants to the said post, has



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sent a complaint stating that the petitioner's qualification is not the prescribed qualification and the essential qualification for the post of Assistant Programmer is B.Sc., Computer Science or B.Sc., Maths or Physics or Statistics Main (Compulsory one year course in Computer Application in a recognized college/Institution) or Diploma in Computer Science from a recognized Polytechnic or Equivalent Qualification.

5.The said individual has also filed a writ petition in W.P.(MD)No. 9272 of 2024, wherein the respondents had effectively argued that the petitioner's qualification has been considered as equivalent qualification by submitting the informations obtained by the respondents through RTI. Hence, the said writ petition was dismissed on 16.04.2024, with the following observations:

“7. No doubt, B.Sc., Computer Science cannot be equivalent to B.E., Computer Science which is more an intensive course on Computer Science than the mere B.S.c., (Computer Science). Had the notification was issued for B.E., Computer Science and the candidate applied had completed just B.Sc., Computer Science, the grievance can be understandable. However, the notification has been given prescribing only B.Sc., Computer Science but the person selected is possessing the qualification in B.E., Computer Science which is a more intensive course on the subject. The appointing authority is satisfied due to the



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above facts and had given due weightage to the qualification possessed by Aruna.”

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6. Even when the matter was set at rest, now it has taken a shape of another order dated 25.06.2024, wherein the petitioner was given with a show cause notice stating that the Tamil Nadu State Council for Higher Education has given an opinion that the petitioner's qualification of B.E., and M.E., is not equivalent to B.Sc., Computer Science or Arts degree course. The said notice is put to challenge in this writ petition.

7. The learned Government Advocate submitted that the matter was referred to the Tamil Nadu State Council for Higher Education only at the instance of the petitioner and the Council has stated that B.E., degree is not equivalent to B.Sc., (Computer Science).

8. It is not the question of comparing B.Sc., Computer Science Degree with B.E., Degree. It is apparent that B.E., Degree is a professional degree and B.Sc., Degree is the course in the field of Science. For this comparison and opinion, the petitioner ought not to have been required to be sent to Tamil Nadu State Council.



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9.Since the whole problem has arisen only in view of the third party complaint and that has been set at rest in W.P.(MD)No.9272 of 2024 and the respondents have also accepted that the qualification of the petitioner is equivalent to be accepted for the post of Assistant Programmer, there is no need for the respondents to re-kindle it once again by demanding an opinion from the Tamil Nadu State Council.

10.In view of the observations made above, the impugned show cause notice dated 25.06.2024 in Na.Ka.No.12246-B2/2024 is set aside and this writ petition is allowed. It is made clear that even if the petitioner's appointment is subjected to any local fund audit, the order passed by this Court in this writ petition as well as the order passed in W.P.(MD)No.9272 of 2024 filed by the third party will hold good for ensuring the correctness of appointment. No costs. Consequently connected miscellaneous petitions are closed.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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R.N.MANJULA, J.

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