



W.P.No.6559 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

W.P.No.6559 of 2019

and

WMP.Nos.7385 & 7386 of 2019

V.Arun Kumar

...Petitioner

Vs

1.The Member Secretary
Teachers Recruitment Board
College Road
Chennai 6.

2.The Vice Chancellor
Tamil Nadu Dr.Ambedkar Law University
Near MRTS Railway Station
Taramani, Chennai.

3.The Director of Legal Studies
Purasalwakkam High Road
Kilpauk
Chennai 600 010.

4.The University Grant Commission
Bahadur Shah Zafar Marg
New Delhi 110 002.

5.The Bar Council of India
Rouse Avenue Institution Area
Near Bal Bhawan
New Delhi 110 002.

...Respondents



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Prayer: This Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to allow the petitioner for personal interview for the post of Assistant Professor for the subject of Business Law category.

For Petitioner : Mr.C.S.Jeya Prakaash

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by

Mr.C.Kathiravan for R1
Standing Counsel

M/s.B.Sudha for R2

Mrs.V.Yamunadevi for R3
Special Government Pleader

Mr.B.Rabu Manohar for R4
Central Government Standing Counsel

M/s.S.Sujatha for R5

ORDER

Heard Mr.C.S.Jeya Prakaash, learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General, assisted by Mr.C.Kathiravan, learned Standing Counsel for the first respondent,



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M/s.B.Sudha, learned counsel for the second respondent,

Mrs.V.Yamunadevi, learned Special Government Pleader for the third respondent, Mr.B.Rabu Manohar, learned Central Government Standing Counsel for the fourth respondent and M/s.S.Sujatha, learned counsel for the fifth respondent and perused the record.

2. The case of the petitioner in brief is that he had applied to the post of Assistant Professor in Business Law pursuant to the notification dated 18.07.2018 issued by the first respondent; that as per the eligibility criteria specified in the notification one is required to have L.L.M Degree in relevant subject; and must have qualified in National Eligibility Test or an Accredited Test and Enrollment as an Advocate in the Bar Council.

3. It is the further case of the petitioner that since, he had obtained Master's Degree in Corporate and Commercial Laws from Pondicherry University and thus, being eligible to apply to the aforesaid post, submitted his candidature for being appointed under the said notification; that he was issued with Hall Ticket to take part in the written test held on 13.10.2018; and thereafter, was issued with intimation letter to attend interview on 27.02.2019.

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4. It is the further case of the petitioner that on attending the interview and producing original certificate as mentioned in the interview call letter for verification, the respondent rejected the candidature of the petitioner on the ground that he was possessing one year L.L.M. Degree which is not recognized by the respondent; and that it recognizes only two years L.L.M. Degree as being eligible.

5. The petitioner further contended that since, the one year L.L.M.Degree obtained by him, is from a University which has been accorded necessary approval by the UGC, the respondent could not have rejected his candidature on that ground.

6. In support of the aforesaid contentions, reliance was placed on the decision of Coordinate Bench of this Court in ***W.P.No.15473 of 2019 dated 26.03.2025.***

7. Counter affidavit filed on behalf of the first respondent.



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8. The respondent by the counter affidavit claimed that the candidature of the petitioner was rejected on two grounds namely, 1) the petitioner having obtained 1 year L.L.M. Degree as against 2 years L.L.M. Degree and 2) that he is not possessing the L.L.M. Degree in the relevant subject i.e., Business law.

9. The respondent by the counter affidavit further contended that Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, prescribes that no person shall be eligible for appointment to any service where Post Graduate Degree is prescribed as qualification unless the said Degree is obtained after completion of S.S.L.C, Higher Secondary Course, Degree in the pattern of 10+2+3+2 from any University or Institution, recognized by the University Grants Commission and since, the petitioner had only secured one year L.L.M Degree the same is not in the pattern of 10+2+3+2 for being considered as eligible under the notification.

10. The learned Additional Advocate General further submitted that the UGC, the fourth respondent by letter dated 19.07.2016 by way of Public Notice on Equivalency of Degrees had stated that the UGC does



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not determine the equivalence of Degrees Diplomas, certificates of etc., and in cases of employment, promotion etc., equivalence is decided by the employing organization. The learned Additional Advocate General further contended that since the Act, 2016 prescribes Post Graduation as qualification for appointment to the post of Assistant Professor, the petitioner is required to have Masters Degree of two years and as such, one year L.L.M. Degree obtained by him cannot be treated as equivalent to two years Degree.

11. Despite 6 years have been passed no counter affidavit is filed on behalf of the fourth respondent.

12. On behalf of the fourth respondent it is contended that the communication dated 19th July, 2016, as issued under the signature of the Secretary UGC indicates that the role of UGC is only to accord reorganization to the Degrees awarded by the respective University which are recognized under Section 3 of the UGC Act, 1956, and it is for the University concerned or the employing organization concerned to consider whether they have equivalence or not.



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13. I have taken note of the respective contentions urged.

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14. Firstly, it is to be noted that the petitioner while seeking employment under the notification dated 18.07.2018 which prescribes that in case of where qualification is prescribed as Post Graduate from recognized University the said course ought to have been completed in the pattern of 10+2+3+2, has not laid any challenge to Section 25 of the Act, 2016.

15. However, a Coordinate Bench of this Court in relation to the same said notification as issued by the first respondent having considered the issue holding that L.L.M Programme as approved by the UGC which has been accepted as qualification to get enrolled in Ph.D Programme of Tamil Nadu Dr.Ambedkar Law University, cannot be put against the petitioner therein to reject the candidature for appointment to the post of Assistant Professor though in the subject of Human Rights.

16. Since, in the facts of the present case, the petitioner is similarly placed and seeking appointment to the post of Assistant Professor (Business Law) this Court is of the view that the aforesaid decision of
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this Coordinate Bench of this Court is dated 26.03.2025 in W.P.No.15473

of 2019 would apply in all force to the facts of the present case.

17. In view of the above and for the reasons alike as indicated in the order dated 26.03.2025, this Writ Petition is allowed and the respondents are directed to consider the application of the petitioner for appointment to the post of Assistant Professor (Business Law) by including his name in the selection list, if found qualified in the Written test as well as interview subject to cut-off mark if any, and issue appointment order giving retrospective effect, to his seniority from the date of joining. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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