



W.P.No.20924 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20924 of 2014
and
M.P.Nos.1 and 2 of 2014

L.Sumathy

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep by Secretary to the Government,
Higher Education Department,
Fort St.George,
Chennai – 600 009.

2.The Director of School Education,
College Road,
Chennai – 600 006.

3.The Member Secretary,
Teachers Recruitment Board,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Certiorarified Mandamus, to call for the records



W.P.No.20924 of 2014

pertaining to the Orders in G.O.Ms.No.72 dated 30.04.2013 on the files of the first respondent, quash the same and to issue consequential directions, directing the respondents 2 and 3 herein to treat B.Sc.Bio Chemistry degree obtained prior to 30.04.2013 as equivalent to B.Sc., degree in Chemistry and to appoint the petitioner as B.T.Assistant.

For Petitioner : Mr.R.Selvakumar

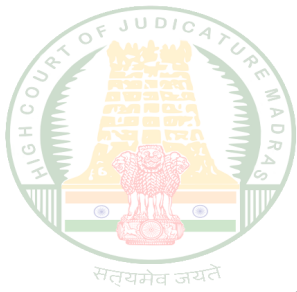
For Respondents : Mr.C.Jayaprakash
Government Advocate
for R1 and R2

Mr.C.Kathiravan
Standing Counsel
for R3

ORDER

In this Writ Petition, the Petitioner has challenged the vires of **G.O.(Ms).No.72, Higher Education (K2) Department, dated 30.04.2013** passed by the 1st Respondent and sought for directions to treat B.Sc., Bio-Chemistry degree obtained prior to **30.04.2013** as equivalent to B.Sc., degree in Chemistry and to appoint the petitioner as B.T.Assistant.

2. As per the Impugned Order, the 1st Respondent, Secretary, Tamil Nadu Public Service Commission (TNPSC) forwarded the resolution



W.P.No.20924 of 2014

WEB COPY

passed by the 39th Equivalence Committee Meeting held on 08.03.2013

for the post of Teachers in the School Education Department.

3. Relevant portion of the Impugned Government Order in
G.O.(Ms).No.72, Higher Education (K2) Department, dated 30.04.2013

is extracted hereunder:-

“ORDER:-

In the reference third read above, the Secretary, Tamil Nadu Public Service Commission has forwarded the following resolutions passed by the 39th Equivalence Committee Meeting held on 08.03.2013 for the post of Teachers in the School Education Department. In the Resolution No.2 and 3, the Equivalence Committee has resolved to recommend as follows:-

<u>Resolution No.2</u> <i>Public Services – Educational qualification – Consideration of various Educational qualifications possessed by the candidates as equivalent to the qualification prescribed for the post of Teachers in the School Education Department.</i>		
<i>Sl.No.</i>	<i>Subject</i>	
<i>1.</i>	<i>.....</i>	
<i>15.</i>	<i>B.Sc. Bio-Chemistry to B.Sc. Chemistry</i>	<i>Not equivalent</i>
<i>16.</i>	<i>.....</i>	

.....”



W.P.No.20924 of 2014

WEB COPY

4. It is noted that at Sl.No.15 in the Impugned Order, it has been stated that B.Sc., (Bio-Chemistry) is not equivalent to B.Sc., (Chemistry).

5. During the interregnum, several orders have been passed by this Court based on **G.O.Ms.No.24 Personnel and Administrative Reforms (M) Department** dated **04.02.2011** and Impugned Government Order in **G.O.(Ms).No.72, Higher Education (K1) Department** dated **30.04.2013**, wherein the decision of the Government taken in the impugned Government Orders were reiterated.

6. This view has been fortified in orders of the Writ Court in **W.P.No.23805 of 2014** dated **06.07.2022**. It is further noticed that this Court vide Order dated **01.03.2018** in **W.P.No.25718 of 2012** has dealt with the recommendations / communications of the University of Madras.

7. Relevant portion of the order dated **01.03.2018** in **W.P.No.25718 of 2012** reads as under:-

“2. When the matter was taken up for consideration, the learned counsel appearing for the fourth respondent



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W.P.No.20924 of 2014

produced a copy of the communication dated 01.03.2018 sent by the fourth respondent, wherein, it has been stated as follows:

“.. the Board of Studies in Biochemistry (Common Board) of the University at its meeting held on 14.11.2014 has made deliberations on the item no.4 of the G.O.Ms.No.228 Higher Education (K2) Department, dated 04.11.2013 and made the following resolutions:-

1.RESOLVED that a B.Sc., Biochemistry graduate with B.Ed is eligible to teach science subjects (Chemistry and Biology) at High School level.

2.RESOLVED to recommend to TNPSC and TRB to consider B.Sc Biochemistry graduates with B.Ed as eligible to teach science subjects (Chemistry and Biology) at High School level.

Accordingly, a letter has been sent to the Secretary, Higher Education Department, Secretariat and the Secretary, Personnel and Administrative Reforms Department, Secretariat, Chennai on 22.05.2015 informing the above recommendations.

3. In the light of the aforesaid communication, this writ petition stands disposed of, directing the respondents to consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

8. Under these circumstances, this Court by the aforesaid Order dated **01.03.2018** in **W.P.No.25718 of 2012**, directed the Official Respondents therein to consider the claim of the Petitioner therein and to pass appropriate orders on merits in accordance with law.



W.P.No.20924 of 2014

WEB COPY

9. The status of the steps taken by the Tamil Nadu Public Service Commission and Teachers Recruitment Board, pursuant to the **Communication** dated **01.03.2018** of the Madras University, represented by its Registrar, is not known. Therefore, the Respondents were directed to file a status report on the steps taken pursuant to the Communication dated **01.03.2018**.

10. The learned Government Advocate for the 1st and 2nd Respondents filed a detailed Typed Set of Documents, wherein, a copy of the **Proceedings of the Member (Teachers Eligibility Test), Teachers Recruitment Board (TRB)**, dated **21.06.2018** bearing **Rc.No.343/L2/2014** has been enclosed.

11. Relevant portion of the **Proceedings of the Member (Teachers Eligibility Test), Teachers Recruitment Board (TRB)** dated **21.06.2018** reads as under:-

“In the W.P.No.25718 of 2012 filed by Tmt S.Shanthi before the Hon'ble High Court, Madras her prayer was to appoint the petitioner, for post of B.T.Assistant (Chemistry) by treating her degree in B.Sc., Bio-Chemistry as equivalent



W.P.No.20924 of 2014

WEB COPY

to B.Sc., (Chemistry). The Hon'ble Court in its order dated: 01.03.2018 has issued direction which is as follows.

For the Tamil Nadu Teacher Eligibility Test conducted in the year 2012, the eligibility criteria as per the Notification issued was that the candidates should possess Bachelor's degree with Tamil, English, Chemistry etc., or a Degree with any of the equivalent subjects and a Degree in Teacher Education (B.Ed.).

She was called for Certificate Verification before the issues of Teacher Eligibility Test certificate. During Certificate Verification, it was found that her qualification is B.Sc., (Bio-Chemistry) which is not equivalent to as per G.O Ms.No.72, Higher Education (K2) Department dated:30.04.2013.

She did not enclose any application related to recruitment of B.T.Assistant. Since her qualification was not equivalent as per the G.O Ms.No.72, Higher Education (K2) Department dated:30.04.2013. Since, she is not eligible for issue of Teacher Eligibility Test certificate as well as without submission of application to recruitment of B.T.Assistant, she could not be considered for the post of B.T.Assistant as per existing rules.

Further vide G.O.Ms.No24, P&AR(M) Department dated 04.02.2011, Government have issued orders that the degree of B.Sc., (Bio-Chemistry) was placed before the equivalence committee for its recommendation but the Committee has not recommended B.Sc., (Bio-Chemistry) as equivalent to B.Sc., (Chemistry) for appointment in Public Services. Vide in G.O Ms.No.72, Higher Education (K2) Department dated:30.04.2013, Government have also issued orders that B.SC., (Bio-Chemistry) not equivalent to B.Sc., (Chemistry).

In view of the above, the petitioner Tmt.S.Shanti is informed that she was not considered for appointment as Graduate Assistant (Chemistry).”

12. A reading of the above proceeding makes it clear that the Order

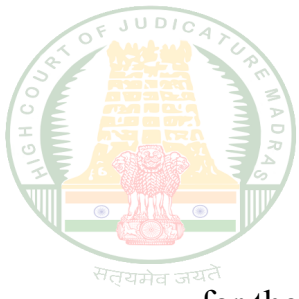


W.P.No.20924 of 2014

dated **01.03.2018** of this Court in **W.P.No.25718 of 2012** has not been properly complied with. It is also not clear whether the aforesaid **Letter** dated **21.06.2018** has been put to challenge by the Petitioner therein namely Tmt.S.Shanthi.

13. *Prima facie*, it appears that the post of 'B.T.Assistant' would involve to teach the students in the High School between 6th standard to 10th standard. The syllabus that would have been covered in U.G Programme for '**B.Sc., Chemistry**' and '**B.Sc., Bio-Chemistry**' would be sufficient. However, the law also stands settled that it is best left to the Equivalence Committee to decide the issue afresh as the Committee is well-versed in the subjects.

14. Considering the same, there shall be a direction to the 3rd Respondent, Teachers Recruitment Board (TRB) to refer the matter to the Equivalence Committee to re-look into the qualification of the Petitioner as to whether the Petitioner's qualification in '**B.Sc., Bio-Chemistry**' would be sufficient to teach the subjects of Chemistry and other science subjects



W.P.No.20924 of 2014

WEB COPY

for the students in the High School.

15. The Respondents are therefore directed to get a clarification from the Equivalence Committee within a period of eight weeks from the date of the receipt of a copy of this Order. Subject to the Petitioner satisfying other criteria regarding TET qualification etc., the Respondents shall thereafter proceed to issue an Appointment Order to the Petitioner, if the conclusion is in favour of the Petitioner by the Equivalence Committee.

16. This Writ Petition stands disposed of with the above direction.
No costs. Consequently, connected Miscellaneous Petitions are closed.

14.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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W.P.No.20924 of 2014

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To

- 1.The State of Tamilnadu,
Rep by Secretary to the Government,
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W.P.No.20924 of 2014

C.SARAVANAN, J.

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W.P.No.20924 of 2014
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11/11