



W.P.No.35595 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.35595 of 2023

B. Sarasa

.. Petitioner

Versus

1. Government of Tamil Nadu
Represented by the Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.

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

3. The Joint Director of School
Education (Personnel)
College Road, Chennai 600 006.

4. The Joint Director of School
Education (Higher Secondary),
College Road, Chennai 600 006.

5. The Chief Educational Officer,
Krishnagiri District, Krishnagiri.

.. Respondents



W.P.No.35595 of 2023

WEB COPY

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner by way of recruitment by transfer to the post of P.G.Assistant in Physics from 18.11.2011, when the juniors of the petitioner were appointed as P.G.Assistant from the post of B.T.Assistant, with service and monetary benefits and pass orders.

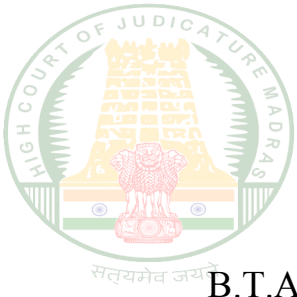
For Petitioner : Mr.R. Saseedharan

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

This petition is filed to issue a Writ of Mandamus directing the respondents to appoint the petitioner by way of recruitment by transfer to the post of P.G.Assistant in Physics from 18.11.2011, when the juniors of the petitioner were appointed as P.G.Assistant from the post of B.T.Assistant, with service and monetary benefits and pass orders.

2. The case of the petitioner is that the petitioner is working as P.G.Assistant in Physics working at Government Higher Secondary School, Alapatty, Krishnagiri District and she is eligible for appointment to the post of P.G.Assistant in physics as per the seniority in the post of



W.P.No.35595 of 2023

WEB COPY

B.T.Assistant by way of recruitment by transfer, and as per the qualification she possess as on 01.01.2010 onwards, but by strange interpretation, the official respondents have not included the name of the petitioner in the panel fit for appointment to the post of P.G.Assistant from the category of B.T.Assistant in the subject physics only on the ground that the petitioner acquired B.Sc. Degree in physics but M.Sc. Degree in Bio-Physics which is not equivalent to M.S.C, Degree in physics. Hence, the petitioner gave representation to the respondents on 15.10.2021 and 03.12.2022 and the same was not considered till date. Hence, this petition.

3. Already this Court while dealing with the identical facts of the case in W.P.(MD) No. 16181 of 2012 on 29.11.2013 has allowed the writ appeal and the relevant portion is extracted hereunder:

23. Also, in the present case, neither the Equivalence Committee nor the Government Orders in G.O.Ms.Nos.72, dated 30.04.2013 and 117, dated 02.07.2013, confined the validity of the Degree obtained by the candidates to operate prospectively, therefore, as per the above Judgments, when the vested rights are created from the date of their acquisition of equivalent degrees, the Respondents cannot take a stand that the

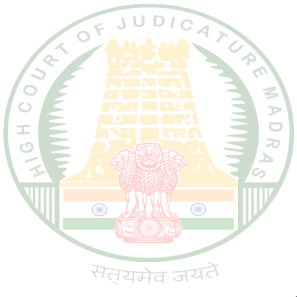


WEB COPY

Degrees obtained by the petitioners will only have prospective effect from the date of issuance of Equivalence Certificate. When both the Equivalence Committee and the Government Order have consistently not mentioned the effect of the Validity of the Degree, it is not proper to hold prospective by any one, more so, by the Court. That apart, a Degree or a Certificate issued by any University or competent Educational Authorities always have the effect on par with a Decree issued by a Competent Civil Court. Besides, it is well settled legal position that even a Executing Court cannot go behind its Decree and this principle will mutatis mutandis undoubtedly apply to the case on hand as well.

24. It must be stressed here that fairness demands that no Court can afford to have more than one view on one or the same issue; lest, there will be inconsistency. Consistency and uniformity are the basic virtues inherent in every Court proceedings. The law is meant to protect people from inconsistency bred by any legal confusion and confrontation. When two of the learned Single Judge's orders have not been addressed nor overruled on the vital point, we are duty-bound to iron out the inconsistency to have uniformity and consistency on the issue involved. To uphold the ' One court-One view' Principle, in turn, to restore the consistency and uniformity, we hereby hold that the view taken in Geetha's case is incorrect, therefore, it is overruled.

25. In view of the above settled position and for the foregoing reasons we hold that the Equivalence Certificate issued by the Committee constituted by the Government declaring that the Degrees obtained from one University is equivalent to the Degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right from the date of issuance therefore, with due respect to the



W.P.No.35595 of 2023

WEB COPY

Hon'ble Division Bench, the view taken in N.Geetha's case is incorrect. Accordingly, the reference is answered.

4. On going through the above Judgment, it is made clear that the petitioner herein are entitled for the prayer sought for and he may considered for appointment to the post of P.G.Assistant. Hence, the respondents are directed to include the name of the petitioner in the panel for appointment to the post of P.G.Assistant.

5. With the above observations this writ petition stands allowed.

No order as to costs.

19.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To
1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.

2. The Director of School Education,



W.P.No.35595 of 2023

WEB COPY

College Road, Chennai 600 006.

3. The Joint Director of School
Education (Personnel)
College Road, Chennai 600 006.

4. The Joint Director of School
Education (Higher Secondary),
College Road, Chennai 600 006.

5. The Chief Educational Officer,
Krishnagiri District, Krishnagiri.

V.BHAVANI SUBBAROYAN, J.

smn



WEB COPY



W.P.No.35595 of 2023

W.P.No.35595 of 2023

19.03.2025