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W.A.(MD)NO.989 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.989 of 2025 AND

C.M.P.(MD)No.6302 of 2025

1. The Director,
O/o.the Commissioner for Milk Production
and Dairy Development,
Chennai – 51.
 2. The Deputy Registrar (Dairying),
Old Collectorate,
Thanjavur. ... Appellants / Respondents 1&4
- Vs.
1. P.Sudharson ... 1st Respondent / Writ petitioner
 2. The Tamil Nadu Public Service Commission,
Rep. by its Member Secretary,
Chennai. ... 2nd Respondent / 2nd Respondent
 3. The Registrar,
Gandhi Gram Rural Institute Deemed University,
Gandhi Gram,
Dindigul District. ... 3rd Respondent / 3rd Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 11.01.2023 made in W.P.(MD)No.12773 of 2017 and allow this writ appeal.



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For Appellant : Mr.M.Ajmal Khan,
Additional Advocate General,
assisted by,
Mr.A.Kannan,
Additional Government Pleader.

For R-1 : Mr.K.Hemakarthikeyan

For R-2 : Mr.J.Ananda Kumar,
Standing counsel.

For R-3 : Mr.M.Karthikeya Venkatachalapathy

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J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned Additional Advocate General appearing for the appellants and the learned counsel appearing for the writ petitioner and the learned counsel appearing for the private respondents.

2. The department is on appeal questioning the order dated 11.01.2023 allowing W.P.(MD)No.12773 of 2017 filed by the first respondent herein.



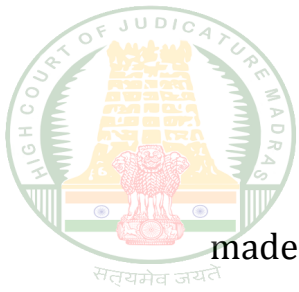
3. TNPSC issued notification calling for applications from

eligible candidates for the post of Dairy Assistant. The notification was issued on 16.04.2011. The selection process consisted of written examination and interview. The first respondent herein successfully cleared the written test as well as the interview. He was appointed to the said post with a caveat. The notification stipulated that the candidate must possess minimum general educational qualification and Diploma in Dairy Science awarded by the Board of Dairy Education, Government of India. Admittedly, the first respondent herein did not have the said Diploma. Instead he was possessing M.Sc. Degree awarded by Gandhi Gram Rural Institute Deemed University in Dairy Science. The appointment order made it clear that the appointment was subject to obtaining a declaration from the equivalence committee in his favour. Unfortunately for the petitioner, the equivalence committee came to the conclusion that the M.Sc. Degree awarded by the Gandhi Gram University cannot be considered as equivalent to the Diploma in Dairy Science awarded by the Board of Dairy Education, Government of India. Based on the decision of the equivalence committee, the appointment was cancelled on 04.07.2017. He was also relieved from service on 05.07.2017.



Challenging these orders, the first respondent herein filed W.P. (MD)No.12773 of 2017. The learned single Judge agreed with the contention that the first respondent's qualification was not equivalent to the one prescribed in the recruitment notification but gave relief to the writ petitioner on equitable grounds. Challenging the said order, this writ appeal has been filed.

4. The learned Additional Advocate General took us through the materials enclosed in the typed set of papers and also placed reliance on the decision of the Hon'ble Supreme Court reported in **(2019) 2 SCC 404 (Zahoor Ahmad Rather V. Sheikh Imtiyaz Ahmad)**. We have to necessarily agree with the contention of the learned Additional Advocate General. It is true that it is the Government alone which can declare the equivalence of one qualification with another. In the case on hand, the equivalence committee constituted by the Government had come to the conclusion that the writ petitioner's qualification does not tally with the one stipulated in the recruitment notification. But the facts obtaining in the case on hand cannot be lost sight of. The appellant belongs to a depressed community. He appears to be the first graduate in the family. The appointment was



made way back in the year 2012. The cancellation order was passed only in the year 2017. There was a delay of five years in cancelling the appointment. The first respondent immediately filed the writ petition assailing the cancellation order. He was fortunate to get interim relief. Till date he continues to be in the post. It would cause enormous hardship to the writ petitioner's family, if his appointment is set aside at this point of time. Since the writ petitioner has been in service for more than 13 years, the experience earned by him is enough and more to discharge his responsibilities effectively.

5. In this view of the matter, we do not propose to interfere with the order passed by the learned single Judge. No proposition of law has been laid down. Relief has been granted taking into account the special facts and circumstances obtaining in this case. It is obvious that the order passed in this case will not constitute a precedent. This writ appeal stands dismissed. The order passed by the learned single Judge is confirmed.

6. It is stated that the writ petitioner has filed contempt proceedings and statutory notice has also been ordered. The



contempt proceedings are put on hold for a period of three months to enable the appellants to comply with the order of this Court. The personal appearance of the contemnors is also dispensed with. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
7th July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note : Issue order copy on 08.07.2025.



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AND

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