



WP(MD)Nos.13999 to 14008 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2025

CORAM:

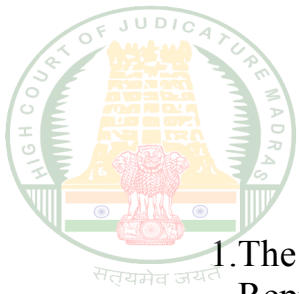
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)Nos.13999 to 14008 of 2021
and**

10998,11001,11002,11004,11005,11006,11007,11009 and 11011 of 2021

K.Nandhini	... Petitioner in WP(MD)No.13999 of 2021
T.R.Deepika	... Petitioner in WP(MD)No.14000 of 2021
A.P.Agalya	... Petitioner in WP(MD)No.14001 of 2021
P.Harhsa Vardhini	... Petitioner in WP(MD)No.14002 of 2021
R.Sankareswari	... Petitioner in WP(MD)No.14003 of 2021
E.Jaishree	... Petitioner in WP(MD)No.14004 of 2021
N.Kaviya Vysali	... Petitioner in WP(MD)No.14005 of 2021
T.Suvathi	... Petitioner in WP(MD)No.14006 of 2021
K.Anjali	... Petitioner in WP(MD)No.14007 of 2021
U.Karthika	... Petitioner in WP(MD)No.14008 of 2021

Vs



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1. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of Social Welfare,
Fort St. George,
Chennai – 9.
 2. The Tamil Nadu Public Service Commission,
represented by its Secretary,
Partk Town, VOC Nagar,
Chennai – 600 003.
 3. The Tamil Nadu Public Service Commission,
represented by its Controller of Examination,
Partk Town, VOC Nagar,
Chennai – 600 003.
 4. The Tamil Nadu Agricultural University,
Represented by its Registrar,
Lawley Road,
Coimbatore – 641 003.
 5. Community Science College and Research Institute,
Represented by its Dean,
Tamil Nadu Agricultural University Campus,
Madurai – 625 104.
- ...Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order issued by the respondent No.3 dated 28.07.2021 and quash the same as illegal insofar as the rejecting the petitioner's application is concerned and consequently for a direction, directing the respondent Nos.2 and 3 to provisionally admit the petitioner to oral test for appointment by direct recruitment to the post of Child Development Project Officer (2018-19) based on the



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results of the written examination marks of the petitioner and permit the petitioner to participate in the oral test to be conducted on 11.08.2021 and 12.08.2021 at the office of the 2nd respondent within the time period stipulated by this Court.

For Petitioners : Mr.Aswin Rajasimhan
for M/S.Lajapathiroy Associates
For Respondent : Mr.P.T.Thiraviyam,
No.1 Government Advocate,
For Respondent : Mr.Veerakathiravan
Nos.2 and 3 Additional Advocate General
Assisted by
Mr.J.Anandhakumar
For Respondent : Mr.A.Thirumurthy
Nos.4 and 5

in all WPs

COMMON ORDER

The petitioners are the candidates, who have applied to the post of Child Development Project Officer called for by the Tamil Nadu Public Service Commission [in short 'TNPSC'] by its Notification No.24/2019, dated 13.08.2019. The TNPSC prescribed the educational qualification for the said post as ' a Degree in Nutrition (or) Home Science (or) a Degree with a PG Diploma in Rural Services awarded by the Gandhigram University.



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2.The petitioners have completed BSc., (Food Nutrition and Dietetics) conducted by the Tamil Nadu Agricultural University, Madurai. However this qualification has not been considered as the prescribed qualification and their applications were rejected. Challenging the same, the petitioners have filed these writ petitions.

3.The learned Counsel for the petitioners by referring to the government order in G.O(Ms)No.79 Agriculture – Farmers Welfare (AU) Department, dated 15.03.2024 submits that the degree in BSc (Food Nutrition and Dietetics) awarded by the Tamil Nadu Agricultural University, Madurai has been declared as equivalent degree to BSc., Home Science – Nutrition / Nutrition and Dietetics / Food and Nutrition for the purpose of public employment. Therefore, according to the petitioners, the degree obtained by the petitioners is equivalent to the qualification prescribed by the TNPSC for the post of Child Development Project Officer and therefore, they are eligible to be appointed as per the notification.



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4.The learned Counsel for the petitioners has placed reliance on the decision of the Full Bench of this Court in ***Nadar Thanga Shubha Laxman Vs The State of Tamil Nadu, Principal Secretary, Department of School Education***, reported in (2014) 3 CTC (FB), wherein it has been held as follows:

“22. The above observation of the Apex Court clearly answers the doubt raised in this Reference that a right whether inchoate or accrued or acquired right can be held to be protected, provided the right survives. In the light of the said principle, if the case on hand is considered, admittedly, the equivalence committee has considered and approved the equivalent nature of the degree and certificate obtained by the candidates. Similarly, the Government Order issued by the Government also agrees with the validity of the degree, therefore, from the date the degree was obtained by the candidate, the right is accrued, hence the same should be protected. While so, giving a different meaning that the validity of the degree will have prospective effect or retrospective effect is uncalled for. To make it even further clear, we wish to mention at the risk of repetition that when both the equivalence committee and the Government Order issued by the State Government have not chosen to restrict the validity of the degree obtained in any one of their orders, it goes without saying that the validity of the degree from the date of acquisition will stand to benefit the candidates, therefore, the question of



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introducing the prospective or retrospective ruling will tantamount to violent interpretation against the settled legal position. In this context, it is useful to refer to the judgment of the Apex Court in the case of [B.S.Vadera vs. Union of India](#) reported in AIR 1969 SC 118, wherein, the law is well declared that an accrued and acquired right of a person cannot be taken away with retrospective effect.

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 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 an executing court cannot go behind its decree and this principle will mutatis mutandis undoubtedly apply to the case on hand as well.



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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 Judges' orders have not been addressed nor over-ruled 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 over-ruled.*

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

5.By referring the above decision the learned Counsel for the petitioners submits that once the degree obtained by these petitioners has



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been declared as the equivalent degree to the prescribed qualification, the petitioners are entitled for appointment.

6.The learned Additional Advocate General appearing for the respondent TNPSC by referring to the recent judgment of the Honourable Supreme Court in ***Tej Prakash Pathak and Others Vs Rajasthan High Court and Others*** [Civil Appeal No.2634 of 2013, dated 07.11.2024 submits that once the notification is issued and selection process is completed, the petitioners cannot claim it as a matter of right for the appointment based on the subsequent clarification on the equivalence obtained by them. According to him, as on the date of notification, these petitioners were not having the required qualification and therefore, the TNPSC has rightly rejected their candidatures. He also submits that the entire selection process was already over, all the vacancies were filled up and as on date there is no vacancy. Assuming that these petitioners have now obtained an order from the government with respect to the equivalence, they can work out their remedy only in the subsequent selection process.



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7.This Court considered the rival submissions made and also pursued the materials placed on record.

8.The petitioners have applied to the post of Child Development Project Officer called for by TNPSC by its notification dated 13.08.2019 and as per the notification the educational qualification for the said post is a Degree in Nutrition (or) Home Science (or) A Degree with a PG Diploma in Rural Services awarded by the Gandhigram University. The petitioners acquired a degree in BSc (Food Nutrition and Dietetics) awarded by the Tamil Nadu Agricultural University, Madurai. However, this degree obtained by the petitioners was not the prescribed qualification in the notification dated 13.08.2019. The degree obtained by the petitioners from the Tamil Nadu Agricultural University, Madurai has subsequently been declared as an equivalent degree to that of the BSc.,degree in Nutrition or Home science. However, this equivalence has been granted by the government only in the month of March, 2024. Hence this Court is not inclined to grant the relief as sought for in these writ petitions. The petitioners have to work out their remedy only in the future recruitment process.



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9.The writ petitions are disposed of in the above terms. No costs.

Consequently connected miscellaneous petitions are closed.

06.01.2025

DSK

To

- 1.ThePrincipal Secretary to the Government,
Department of Social Welfare,
Fort St.George,
Chennai – 9.
- 2.The Secretary,
The Tamil Nadu Public Service Commission,
Partk Town, VOC Nagar,
Chennai – 600 003.
- 3.The Controller of Examination,
The Tamil Nadu Public Service Commission,
Partk Town, VOC Nagar,
Chennai – 600 003.
- 4.The Registrar,
The Tamil Nadu Agricultural University,
Lawley Road,
Coimbatore – 641 003.
- 5.The Dean,
Community Science College and Research Institute,
Tamil Nadu Agricultural University Campus,
Madurai – 625 104.



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B.PUGALENDHI.J.,

DSK

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