



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

**W.A(MD)No.1861 of 2021
and
C.M.P(MD)No.8128 of 2021 and 9503 of 2023**

The secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai-06.

...Appellant/Third Respondent

.Vs.

1.Dr.R.Dominic Sahaya Rajan

... Ist Respondent/Writ Petitioner

2.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Collegiate Education,
Fort St.George Chennai-09.

3.The Director of Collegiate Education,
Chennai- 600 006.

..Respondents 2 and 3 /
Respondents 1 and 2



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.1326 of 2014, dated 5.11.2020

For Appellant : Mr.VR.Shanmuganathan

For Respondent-1 : Mr.T.Aswin Rajasimman
for Mr.S.Rajasekar

For Respondents : Mr.V.Om Prakash
2 and 3

JUDGMENT

(Judgment of the Court was made by **Dr.G.JAYACHANDRAN.,J**)

This Writ Appeal is directed against the order of this Court made in W.P(MD)No.1326 of 2014, dated 5.11.2020.

2.Heard the learned counsels for the appellant, Teachers Recruitment Board, State and Department of Collegiate Education.

3.It is a case of non-selection of first respondent/Writ Petitioner for the post of Assistant Professor in Chemistry pursuant to the notification issued



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by the Teachers Recruitment Board. The grievance of the first respondent/Writ Petitioner is that he possessed Ph.D and his Ph.D was not taken into consideration for giving additional marks in the selection process on the ground that he had not produced the Equivalency Certificate.

4.The first respondent/Writ Petitioner was successful before the learned Single Judge that her Ph.D is relevant to the subject for which he has sought for appointment as Assistant Professor. Being aggrieved by the order of the learned Single Judge, the Teachers Recruitment Board has preferred the Writ Appeal on the ground that the Writ Petitioner failed to produce the Equivalency Certificate prior to the date of notification. Certificates later produced is not by an Expert's Committee for Equivalency as mandated by the University Grants Commission. Further, it is also contended that the Writ Petition was filed two years after the notification and the certificate issued by the Registrar of Alagappa University in the year 2018, cannot be considered after a lapse of several years from the date of notification.



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5. The learned counsel appearing for the Writ Petitioner/first respondent would submit that the topic of research by the Writ Petitioner which has earned her Doctorate is very much relevant to the Chemistry and the same is certified by the Registrar of Alagappa University vide Certificate, dated 09.05.2018. Further, the Division Bench of this Court has already held that such Equivalency/Relevancy Certificate has to date back to the date of acquisition of qualification and therefore, he is not liable to be appointed by the Teachers Recruitment Board and the certificate issued by Alagappa University out-saying that Ph.D qualification acquired by the Writ Petitioner is relevant to the subject Chemistry.

6. Considering the above submissions, this Court finds that the Writ Petitioner been qualified to be appointed as Assistant Professor by acquiring Master degree in Chemistry and M.Phil and he is in-fact, been working as Assistant Professor in a private college for few years even before applying for the post of Assistant Professor in Government College. If his Ph.D qualification acquired in the year 2010 is taken into consideration relevant



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to the post applied, he will be getting additional incentive of three more marks and his candidature would have been considered for appointment. In the above circumstances, this Court is of the opinion that though the stand taken by the Teachers Recruitment Board after scrutinizing the application is substantially reasonably and acceptable, but later qualifications prescribed by the Government by way of Government Orders, it is now made clear that as far as Ph.D and M.Phil is concerned, Power to give Relevancy Certificate is vested with the concerned Universities and not with the Equivalency Committee. It is made clear from G.O.15, Higher Education Department, dated 22.01.2019. The Writ Petitioner soon after the declaration of the result and soon after he was put on notice about the rejection of his application, had approached this Court by filing Writ Petition seeking mandamus and consequential relief to accept his Ph.D in Oceanography from Alagappa University is equivalent to Ph.D in Chemistry and to award marks for the said additional qualification including teaching experience.



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7. The Teachers Recruitment Board has opined that Doctorate in Oceanography is not certified by the Competent Committee as equivalent to Ph.D in Chemistry. However, the certificate issued by the Registrar of Alagappa University which is the University which has conferred Ph.D and the Writ Petitioner has reiterated that Ph.D in Oceanography and the subject of research is relevant to Chemistry. The State Government in the counter admits that so far as M.Phil and Ph.D degree are concerned, it is for the concerned University has to issue Equivalency/Relevancy Certificate and not the Committee constituted for issuance of Relevancy Certificate. Thus the issue which centers upon is whether the Writ Petitioner is qualified to apply for the post of Assistant Professor is to be decided by examining the field of topic on which the Writ Petitioner has carried her Ph.D research. The certificate issued by the Registrar of Alagappa University reveals that the Writ Petitioner had done her research on "EFFECT OF SEAGRASSES AND PLANT GROWTH REGULATIONS ON GROWTH AND YIELD OF WATERMELON AND CUCUMBER". The Certificate further reveals that the Ph.D studied by the Writ Petitioner involved Analysis of Protein,



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Carbohydrate, Chlorophyll, Ascorbic Acid, Thiamine, and Nitrate which are related to Chemistry discipline. On the face of certificate issued by the concerned University which has conferred Ph.D degree on the Writ Petitioner, it is quite satisfactory that his research work related to Ph.D in Chemistry. However, to ensure that his research is related to the field of Chemistry, it is suffice to get certificate from the expert from the concerned University which shall be based on the opinion given by the expert in the field. Therefore, this Court dispose of the writ Appeal filed by the Teachers Recruitment Board with the following directions:

(1)the first respondent/Writ Petitioner shall obtain Relevancy Certificate based on the opinion of the field expert of the concerned University.

(2)Expert Committee for testing relevancy shall consist of a nominee of Teachers Recruitment Board, nominee of Higher Education Department and a nominee of the concerned University.



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(3)The Expert Committee to be constituted by the Teachers Recruitment Board within thirty days from the date of receipt of this order.

(4)The Expert Committee shall submit its report within thirty days from the date of its constitution.

(5)Meanwhile, the Secretary to Government, Higher Education Department/the second respondent in the appeal shall verify the vacancy position and if there is any vacancy for the post of Assistant Professor in Chemistry, the same has to be intimated to the Teachers Recruitment Board forthwith.

(6)The Chairman, Teachers Recruitment Board on receipt of the Relevancy Certificate from the Expert Committee and the vacancy position from the Government shall scrutinize the application of the Writ Petitioner, conduct viva-voce to the Writ Petitioner, if he is otherwise found eligible.



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(7)if the Writ Petitioner found fit and selected for the post of Assistant Professor in Chemistry, the appointment orders shall be passed in accordance with law and such appointment will not enure any other benefit of retrospective effect whatsoever, either in respect of length of service or monetary benefit. The above said exercise shall be completed within a period of three months from the date of submitting Relevancy Certificate by the Writ Petitioner.

8. Accordingly, the Writ Appeal is partly allowed with above directions. Consequently, connected Miscellaneous Petitions are closed. No costs.

[G.J.,J.] [R.P.,J.]
06.02.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Department of Collegiate Education,
Fort St.George Chennai-09.
- 2.The Director of Collegiate Education,
Chennai- 600 006.



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and
R.POORNIMA, J.

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