

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.Nos.3812, 1752, 3250, 3251, 3342, 3345, 3351, 3355, 3535, 3538, 3539, 3543, 3544, 3545, 3548, 3644, 3647, 3648, 3649, 3652, 3653, 3655, 3658 and 3661 of 2019

and

C.M.P.Nos.11868, 21444, 21486, 21516, 22725, 22747, 22750, 22757, 22770, 22776, 22797, 23283, 23285, 23286, 23287, 23288, 23290, 23292, 23294 and 23302 of 2019

W.A.No.3812 of 2019:

V.Kalamegakannan

.. Appellant

Vs

1. The Teachers Recruitment Board,
rep. by the Chairman,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai – 600 006.

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

.. Respondents

and batch cases.

For Appellants in : Mr.V.Vijayashankar
W.A.Nos.3812, 3644,
3647, 3648, 3649,
3652, 3653, 3655, 3658
and 3661 of 2019

For Appellants in : Mrs.Nalini Chidambaram
W.A.Nos.1752, 3250, Senior Counsel
3251, 3342, 3345, 3351 for M/s.C.Uma
and 3355 of 2019

For Appellants in : Ms.D.Geetha
W.A.Nos.3535, 3538,
3539, 3543, 3544, 3545
and 3548 of 2019

For Respondents : Ms.Narmada Sampath
Addl. Advocate General
assisted by
Mr.C.Munusamy
Spl. Government Pleader

COMMON JUDGMENT
(Delivered by *the Hon'ble Chief Justice*)

These appeals have been filed questioning the judgments passed by a learned Single Judge dated 22.2.2019, 27.2.2019, 4.3.2019 and 6.3.2019, where the prayer made by the appellants for quashing the rejection of their candidature on the ground that

they do not possess the qualification has been declined and the writ petitions have been dismissed with certain observations.

2. We had heard the arguments that had been advanced by the learned counsel for the parties on 22.11.2019, whereupon we had passed the following order:

"Heard learned counsel for the parties.

2. We find from the submissions that have been advanced that the basic issue involved is with regard to the eligibility qualifications being possessed by the appellants, who contend that their candidature could not have been declared to be not in accordance with the qualifications prescribed inasmuch as the certificates possessed by them are in conformity with law and heavy reliance has been placed on the Division Bench judgment dated 20.08.2019 to contend that the respondents are bound to apply the ratio of the said judgment in the case of the appellants as well.

3. The question as to whether the appellants are in possession of the qualifications or not is being debated before us on the ground that the qualifications possessed by them should be treated to be equivalent

as per the norms adopted by the Government itself in the past to the qualifications prescribed in the Notification dated 26.07.2017.

4. We, prima facie, find that the Notification dated 26.07.2017 does not appear to have been challenged and the appellants had applied under the same Notification supporting their candidature by the qualifications that they possessed. The question of equivalence therefore has to be gathered either from the recitals contained in the Notification or even otherwise if the appellants are able to satisfy the Court that they are in possession of the equivalent qualification.

5. Learned counsel for the appellants pray that the matter may be adjourned for today to enable them to prepare a Chart and then proceed with the matter keeping in view the nature of queries that had been raised by the Bench.

Put up on 06.12.2019, as prayed for."

WEB COPY

3. The matter was adjourned on 6.12.2019 by the following

order:

"Learned counsel for the appellants submits that the equivalence issue involved in the present case is being addressed by the Government itself and there is every likelihood of an outcome of the said proposal, which is pending consideration before the State Government.

2. Learned Government Pleader may enquire about the same and obtain instructions and inform this Court about any development in this matter.

3. List the matter on 30.01.2020."

4. Today, learned counsel for the appellants have brought before us a typed set of papers enclosing therewith government orders issued from time to time, including G.O.(Ms) No.143, School Education (SE3(1)) Department, dated 19.8.2019; G.O.(Ms) No.9, Youth Welfare and Sports Development (YW2) Department, dated 27.1.2020 and G.O.(Ms) No.218, School Education [SE3(1)] Department, dated 6.12.2019. The said Government Orders are extracted herein under:



ABSTRACT

School Education Department – Educational Qualifications awarded by institutions for certain courses – Consideration of Equivalence based on the resolution of the Equivalence Committee - Orders - Issued.

School Education (SE3(1) Department

G.O. (Ms) No.143

Dated: 19.08.2019.

திருவள்ளூர் ஆண்டு, 2050
விகாரி வருடம், ஆவணி 2

Read:-

1. Interim Orders of the Hon'ble Madurai Bench of Madras High Court in W.A.(MD) No.13 to 18/2019 and other batch cases in W.P.(MD) No.21650/2018 and other batch cases.
2. From the Director of School Education Letter No.69086/C5/E4/2018, dated 25.03.2019.
3. From the Director of School Education Letter No.37606/C4/E2/2012, dated 02.05.2019.
4. G.O. (Ms) No.93, Higher Education (K2) Department, dated 30.05.2019.
5. From the Chairman, Equivalence Committee / Principal Secretary to Government, Higher Education Department Letter No.Rc.No.1198/2019A, dated 02.08.2019.

ORDER:-

The Hon'ble Madurai Bench of Madras High Court in its orders first read above pronounced the following Judgement:-

“.....the Government is directed to constitute an Equivalence Committee so as to find whether the diploma acquired by Writ Petitioners can be declared equivalent to the qualifications referred in the Notification as well as in the Service rules.....”

2. In the letter second and third read above, the Director of School Education has sent proposals to the Government seeking orders of the Government on the equivalence of the Diploma acquired by the Writ Petitioners in W.P.(MD).No.21650/2018 and other cases and also equivalence for certain other courses offered by Educational Institutions respectively.

3. In the Government Order 4th read above, the existing Equivalence Committee functioning under the Chairman, Tamil Nadu Public Service Commission was disbanded and a new Equivalence Committee has been constituted in its place, under the Chairmanship of the Principal Secretary to Government, Higher Education Department for issuance of equivalence to the courses offered by the Educational institutions for the purpose of employment in public services and for pursuing higher studies.

WEB COPY

4. In the letter 5th read above, the Chairman, Equivalence Committee / the Principal Secretary to Government, Higher Education Department has forwarded the resolutions passed in the first Equivalence Committee meeting held on 31.07.2019 on the Equivalence of the following courses offered by various universities to the similar courses for the purpose of employment in public services.

Sl. No.	Agenda	Recommendation
1.	Agenda No.1 Public Services – Educational Qualifications – Consideration of D.P.Ed. (Two Years Course) awarded by Alagappa University as to whether equivalent to Government Teachers Certificate of Higher Grade in Physical Education for the purpose of employment in Public Services.	Equivalent
2.	Agenda No.3 Public Services – Educational Qualifications – Consideration of Master of Physical Education and Sports Science (MPES) (2 year course) awarded by Annamalai University as to whether equivalent to B.P.Ed. (One Year) awarded by Annamalai University, Bharathidasan University, Manonmaniam Sundaranar University, Bharathiar University for the purpose of employment in Public Services.	Equivalent
3.	Agenda No.4 Public Services – Educational Qualifications – Consideration of Master of Physical Education (2 year course) awarded by Manonmaniam Sundaranar University as to whether equivalent to B.P.Ed. (One Year) awarded by Annamalai University, Bharathidasan University, Manonmaniam Sundaranar University, Bharathiar University for the purpose of employment in Public Services	Equivalent
4.	Agenda No.5 Public Services – Educational Qualifications – Consideration of Master of Physical Education (2 year course) awarded by Bharathiar University as to whether equivalent to B.P.Ed. (One Year) awarded by Annamalai University, Bharathidasan University, Manonmaniam Sundaranar University, Bharathiar University for the purpose of employment in Public Services.	Equivalent
5.	Agenda No.8 Public Services – Educational Qualifications – Consideration of Master of Physical Education (2 year	Equivalent

	course) awarded by Bharathidasan University as to whether equivalent to B.P.Ed. (One Year) awarded by Annamalai University, Bharathidasan University, Manonmaniam Sundaranar University, Bharathiar University for the purpose of employment in Public Services.	
6.	Agenda No.10 Public Services – Education Qualifications – Consideration of D.P.Ed. (Two Years Course) awarded by Directorate of Government Examinations, Chennai as to whether equivalent to Government Teachers Certificate of Higher Grade in Physical Education for the purpose of employment in Public Services.	Equivalent

5. The Government after careful consideration, decided to accept the above resolutions passed in the first Equivalence Committee Meeting held on 31.07.2019 and direct that the above courses offered by various Universities are equivalent to that of the similar courses mentioned therein from the date of issuance of such degrees.

(By Order of Governor)

Pradeep Yadav,
Principal Secretary to Government

To
All Heads of Departments of
School Education Department,
Chennai-6/2.
The Registrar, Alagappa University,
The Registrar, Annamalai University
The Registrar, Bharathiar University
The Registrar, Tamil Nadu Physical Education and Sports University
The Registrar, Bharathidasan University
The Registrar, Manonmaniam Sundaranar University
Copy to:-
The Personnel and Administrative
Reforms Department, Chennai-9
The Higher Education Department,
Chennai-9
SF/SC

//Forwarded by Order//

Section Officer

21/12/19

सत्यमेव जयते

WEB COPY

ABSTRACT

School Education Department – Educational Qualifications awarded by institutions for certain courses – Consideration of Equivalence based on the resolution of the Equivalence Committee – Orders – Issued.

School Education [SE3(1)] Department

G.O.(Ms.) No.218

Dated: 06.12.2019.

திருவள்ளூர் ஆண்டு, 2050
விகாரி வருடம், கார்த்திகை 20

Read:-

1. Interim Orders of the Hon'ble Madurai Bench of Madras High Court in W.A.(MD) No.13 to 18/2019 and other batch cases in W.P. (MD) No.21650/2018 and other batch cases.
2. From the Director of School Education Letter No.69086/C5/E4/2018, dated 25.03.2019.
3. From the Director of School Education Letter No.37606/C4/E2/2012, dated 02.05.2019.
4. G.O.(MS) No.93, Higher Education (K2) Department, dated 30.05.2019.
5. From the Chairman, Equivalence Committee / Principal Secretary to Government, Higher Education Department Letter No.Rc.No.1198/2019A, dated 02.08.2019.
6. G.O.(Ms) No.143, School Education (SE3(1)) Department, dated 19.08.2019.
7. G.O.(MS) No.144, School Education (SE3(1)) Department, dated 19.08.2019.
8. From the Chairman, Equivalence Committee / Principal Secretary to Government, Higher Education Department Letter No.Rc.No.3528/2019A, dated 20.11.2019.

ORDER:-

The Hon'ble Madurai Bench of Madras High Court in its order first read above has issued the following judgment:-

"... the Government is directed to constitute an Equivalence Committee so as to find whether the diploma acquired by Writ Petitioners can be declared equivalent to the qualifications referred in the Notification as well as in the Service rules..."

2. In the letters second and third read above, the Director of School Education has sent proposals of the Government seeking orders of the Government on the equivalence of the Diploma acquired by the Writ Petitioners in W.P.(MD) No.21650/2018 and other cases and also equivalence for certain other courses offered by Educational Institutions respectively.

3. In the Government Order 4th read above, the existing Equivalence Committee functioning under the Chairmanship of Tamil Nadu Public Service Commission was disbanded and a new Equivalence Committee has been constituted in its place, under the Chairmanship of the Principal Secretary to Government, Higher Education Department for issuance of equivalence to the courses offered by the

Educational institutions for the purpose of employment in public services and for pursuing higher studies.

4. Based on the minutes of the first Equivalence Committee meeting held on 31.07.2019 received in letter 5th read above, orders have been issued by the Government for equivalence of the Educational Qualifications in Government Order 6th read above and non equivalence of the Educational Qualifications in Government Order 7th read above.

5. In the letter 8th read above the Chairman, Equivalence Committee/ the Principal Secretary to Government, Higher Education Department has forwarded the resolutions passed in the second Equivalence Committee meeting held on 6.11.2019 on the Equivalence of the following courses offered by various universities to the similar courses for the purpose of employment in public service.

Sl.No.	Resolution	Recommendation
1.	Resolution No:111 Public Services – Educational Qualifications – Consideration of D.P.Ed. Offered by Annamalai university & Bharathiar University, as to whether equivalent to H.P.Ed., to the purpose of Employment in Public Services	Equivalent
2.	Resolution No.112 Public Services – Educational Qualification – Consideration of M.P.Ed., (Direct) 2 year degree course offered by University of Madras as to whether equivalent to B.P.Ed., (one year) and M.P.Ed., (One year) to the purpose of Employment in Public Services.	Equivalent
3.	Resolution No.113 Public Services – Educational Qualification – Consideration of C.P.Ed., offered by Karnataka State as to whether equivalent to Lower Grade/Higher Grade course of the Director of Government Exams, Tamil Nadu to the purpose of Employment in Public Services.	Equivalent

6. The Government after careful consideration, decided to accept the above resolutions passed in the second Equivalence Committee Meeting held on 06.11.2019 and direct that the above courses offered by various Universities are equivalent to that of the similar courses mentioned therein from the date of issuance of such degrees/diploma.

(By Order of the Governor)

Pradeed Yadav,
Principal Secretary to Government



ABSTRACT

Public Services – Qualifications - B.P.E degree offered by YMCA College, Chennai affiliated to Tamil Nadu Physical Education and Sports University / Annamalai University is equivalent to B.P.E.S. Degree – Resolutions of the Equivalence Committee – Orders – Issued.

YOUTH WELFARE AND SPORTS DEVELOPMENT (YW2) DEPARTMENT

G.O.(Ms) No.9

Dated: 27.01.2020

விகாரி, கை-13

திருவள்ளூர் ஆண்டு – 2051

Read:

1. G.O.(Ms).No.93, Higher Education (K2) Department, dated 30.05.2019
2. From the Chairman, Equivalence Committee / Principal Secretary to Government, Higher Education Department Letter No.3528/2019A, Dated 20.11.2019.
3. From Higher Education (K1) Department U.O.Note No. 18329/K1/2019-3, dated 26.11.2019

ORDER:

In the reference 2nd read above, the Chairman, Equivalence Committee / Principal Secretary, Higher Education Department has forwarded the resolutions passed by the 2nd Equivalence Committee meeting held on 06.11.2019 on the equivalence of degrees offered by various Universities / Educational Institutions to the similar degrees for the purpose of employment in Public Services and requested the Government to issue orders in the matter.

2. The Government, after careful consideration, approve the following resolution passed by the 2nd Equivalence Committee meeting held on 06.11.2019 under the Chairmanship of the Principal Secretary to Government, Higher Education Department and direct that the following Degree offered by the university / College affiliated to the Universities be equivalent to the similar degree mentioned therein from the date of issuance of such degree for the purpose of employment in Public Services:-

WEB COPY

Agenda	Recommendation
Agenda No.110 Public Services - Educational Qualification - Consideration of B.P.E degree offered by YMCA College, Chennai affiliated to Tamil Nadu Physical Education and Sports University / Annamalai University as to whether equivalent to B.P.E.S. degree for the purpose of Employment in Public Services.	Equivalent

(BY ORDER OF THE GOVERNOR)

DHEERAJ KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Secretary/The Principal, YMCA College, Chennai-35.
The Vice-Chancellor/Registrar,
Tamil Nadu Physical Education and Sports University, Chennai-127.
The Vice-Chairman, Tamil Nadu State Council for Higher Education, Chennai-5.
The Member Secretary, Tamil Nadu State Council for Higher Education, Chennai-5.
The Vice-Chancellor, University of Madras, Chennai-5.
The Vice-Chancellor, Anna University, Chennai-25.
The Vice-Chancellor, Annamalai University, Annamalai Nagar-608002.
The Director of Technical Education, Chennai-25.
The Director of Collegiate Education, Chennai-6.
The Chairman, Teachers Recruitment Board, Chennai-6.
The Secretary, Tamil Nadu Public Service Commission, Chennai-3.

Copy to

The Special Personal Assistant to the Minister (School Education, Youth Welfare and Sports Development), Secretariat, Chennai-9.
The Private Secretary to the Principal Secretary to Government,
Youth Welfare and Sports Development Department, Secretariat,
Chennai-9.
The Private Secretary to the Principal Secretary to Government,
Higher Education Department, Secretariat, Chennai-9.
The Private Secretary to the Secretary to Government,
Personnel and Administrative Reforms Department, Secretariat,
Chennai-9.
SF/SC.

//FORWARDED / BY ORDER//

WEB COPY

[Signature]
SECTION OFFICER

5. A perusal of the above Government Orders shows that they are in compliance of the directions issued by the High Court (Madurai Bench), whereafter an Equivalence Committee was constituted and the Equivalence Committee vide its meetings, as referred in the Government Orders, proceeded to grant equivalence in the manner indicated therein. In the present set of appeals, the equivalence as set out is being claimed by the appellants and they contend that the said Government Orders cover their cases.

6. Learned Additional Advocate General appearing for the State has not disputed the issuance of the Government Orders aforesaid, but contends that in the event the appellants are covered by the said Government Orders, the Government shall consider their candidature, provided they fulfill other eligibility conditions.

7. Having considered the submissions, we find that the judgments of the learned Single Judge deserve to be set aside and accordingly, the impugned judgments dated 22.2.2019, 27.2.2019, 4.3.2019 and 6.3.2019 are set aside with a direction to the

Government to consider the candidature of the appellants in terms of the Government Orders, referred to herein above, and pass appropriate orders within six weeks, as prayed for.

The appeals are accordingly allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

(A.P.S., C.J.) (S.P., J.)
30.01.2020

Index
sasi

: No

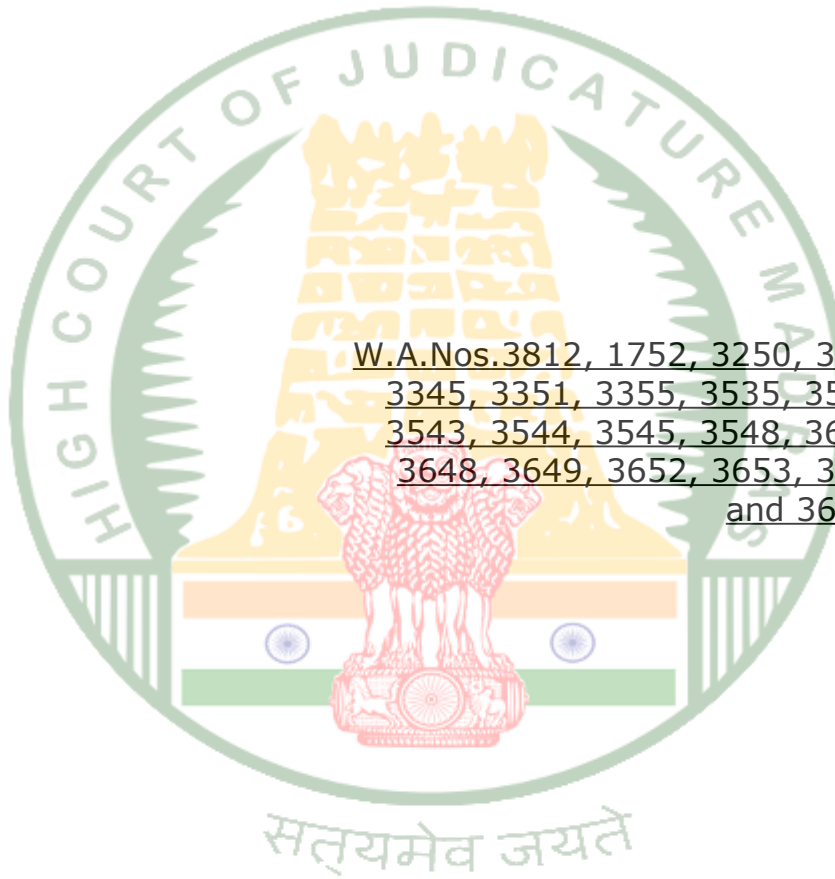


WEB COPY

W.A.No.3812 of 2019 etc. batch

THE HON'BLE CHIEF JUSTICE
AND
SUBRAMONIUM PRASAD,J.

(sasi)



W.A.Nos.3812, 1752, 3250, 3251, 3342,
3345, 3351, 3355, 3535, 3538, 3539,
3543, 3544, 3545, 3548, 3644, 3647,
3648, 3649, 3652, 3653, 3655, 3658
and 3661 of 2019

WEB COPY

30.01.2020