

(2013) 08 MAD CK 0277

In the Madras High Court

Case No : Writ Petition No's. 7351, 10578, 33069, 33070, 33090, 33509, 34139 and 35310 of 2012, 230, 7386, 12690, 15219, 15762, 18980, 19333, 20988 and 21173 of 2013 and M.P. No's. 1, 1,2, 1,2, 1,2,3, 1, 2, and 2 of 2012, 1, 1, 1, 1, 1, 1, and 1 of 2013

D. Hasina Banu

APPELLANT

Vs

Member-Secretary, Teachers Recruitment Board and The
Periyar University

RESPONDENT

Date of Decision : 21-08-2013

Acts Referred:

Constitution of India, 1950 — Article 309

Citation : (2013) 4 LLN 300

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : R. Nalliyappan in W.P. No. 7351 of 2012, Mr. C. Selvaraj, SC for M/s. C.S. Associates in W.P. No. 10578 of 2012 and W.P. Nos. 19333, 20988 and 21173 of 2013, Mr. G. Sankaran in W.P. Nos. 33069 and 35310 of 2012, W.P. Nos. 230, 15219, of 2013, Mr. S.N. Ravichandran in W.P. No. 33070 of 2012 and W.P. No. 18980 of 2013, Mr. M. Loganathan in W.P. No. 33090 of 2012, Mr. A. Mohamed Ismail in W.P. Nos. 33509 and 34139 of 2012, Mr. G. Elanchezhiyan in W.P. Nos. 7386, 12690 of 2013 and Mr. A. Sirajudeen in W.P. Nos. 15762 of 2013, for the Appellant; P.H. Aravind Pandian, A.A.G. Assisted by Mr. P. Sanjai Gandhi, AGP, Mr. C.V. Shailandhran, Govt. Advocate for T.R.B., Mr. V. Jayaprakash Narayanan, Spl.G.P. for other respondents and Ms. D. Geetha for R-4 in W.P. No. 33090 of 2012, for the Respondent

Final Decision : Allowed

Judgement

D. Hariparanthaman, J.—Since the issue raised in all these writ petitions is common, all these writ petitions are taken up together for hearing and a common order is passed.

W.P. No. 7351 of 2012:

The petitioner passed B.A. English (Computer Application) in the year 2008. She

studied the said course in Vysya College in Salem, which is affiliated to Periyar University, the second respondent. Thereafter, based on the said qualification, she studied B.Ed. in English at Mahendra Educational Institution, Minnampalli, Salem District in 2009. She also studied M.A. (English) at Sri Saradha College for Women in Salem and passed the same in the year 2011. This college is also affiliated to the second respondent University.

a) The second respondent University issued an equivalence certificate, dated 22.10.2010 that B.A. English (Computer Application) is equivalent to B.A. (English). She registered her name in the employment exchange in 2009 after passing B.Ed. course.

b) Based on such registration, the first respondent Teachers Recruitment Board (shortly TRB) sent a call letter, dated 01.11.2010 to the petitioner to appear for the certificate verification on 15.11.2010 at the Government Girls Higher Secondary School, Erode-1 with all original certificates mentioned therein. The call letter was for appointment to the post of B.T. Assistant (English) for the year 2010-2011 in the Government/Municipal Schools.

c) Accordingly, she appeared for certificate verification along with certificates. The TRB published a tentative provisional list of selected candidates for appointment to the post of Graduate Assistants in the website. The name of the petitioner finds place therein. The TRB also posted in the website that the selection of the petitioner was withheld. The remarks column gives reason for withholding the selection of the petitioner. The reason stated in the remarks column is that "B.A. English (Computer Application).

d) In these circumstances, the petitioner filed this writ petition seeking for a direction to the TRB to appoint the petitioner as B.T. Assistant in English in any one of the schools. The Teachers Recruitment Board is the first respondent and the Periyar University is the second respondent.

e) It is stated in the affidavit that upto 2010 recruitment, the first respondent appointed candidates with B.A. English (Computer Application) as B.T. Assistant in English.

W.P. No. 10578 of 2012:

2. The petitioner passed B.Sc. (Statistics), M.Sc. (Statistics) and B.Ed. (Mathematics). The Mathematics subject was the ancillary subject in B.Sc. (Statistics). He registered his name in the employment exchange with the above qualification on 5.5.1992. He worked as P.G. Assistant (Mathematics) from 1992 to 31.5.2011 in various private higher secondary schools.

a) While so, based on the seniority in the employment exchange, the Teachers Recruitment Board, the third respondent in this case, sent a call letter to the petitioner to appear for certificate verification on 12.3.2010 for the post of P.G. Assistant (Mathematics) for the year 2009-2010. However, the petitioner was not selected as he was not sufficiently senior.

b) Again for the year 2010-2011, the TRB sent a call letter to the petitioner for recruitment to the post of P.G. Assistant (Mathematics) asking him to appear for certificate verification on 8.1.2012. The petitioner attended the certificate verification on 8.1.2012. While the juniors of the petitioner in the employment exchange were selected, the petitioner was not selected. The TRB posted in the website that the petitioner was not selected. The remarks column gives reason for his non selection. The reason stated in the remarks column is that "UG and PG in Statistics ineligible", i.e., since he possessed B.Sc. (Statistics) and M.Sc. (Statistics), he was not selected.

c) Therefore, the petitioner filed this writ petition seeking for a direction to the respondents to select and appoint him by placing in the appropriate place in the select list for the post of P.G. Assistant (Mathematics) in the MBC (General) category for the year 2010-2011. The Secretary to the State of Tamil Nadu is made as the first respondent. The Director of School Education is the second respondent. The Teachers Recruitment Board is the third respondent.

d) The petitioner pleaded that if the TRB thought that Statistics subject is ineligible, then they need not have sent call letter for certificate verification. The Employment exchange sent the name of the petitioner as he possessed B.Sc. (Statistics) and M.Sc. (Statistics). Secondly, it is pleaded that earlier candidates with M.Sc. (Statistics) qualification were appointed as P.G. Assistant (Mathematics) since both M.Sc. (Statistics) and M.Sc. (Mathematics) are equivalent.

e) Thirdly, the petitioner has heavily relied on G.O.Ms. No. 337, Education Department, dated 24.2.1986. This G.O is an amendment to Tamil Nadu Higher Secondary Education Service issued under Article 309 of the Constitution. The amendment is deemed to have come in the effect with effect from 1.7.1979. As per the amendment, M.Sc. (Statistics) is an alternative qualification for appointment to the post of P.G. Assistant (Mathematics).

W.P. No. 33069 of 2012:

3. The petitioner herein passed B.Sc. (Micro Biology) in the year 2000. Thereafter, he passed B.Ed. in 2007. Since the Right of Children to Free and Compulsory Education Act, 2009 mandates that teachers appointed to handle classes upto 8th standard should pass the Teacher Eligibility Test, the Teachers Recruitment Board (shortly TRB) conducted Tamil Nadu Teacher Eligibility Test (TNTET) 2012 on 12.7.2012 for recruitment to the post of Secondary Grade Teachers and Graduate Assistants.

a) Since the percentage of pass was less than one percent, the Government conducted supplementary TET examination on 14.10.2012. The result of the supplementary examination was declared on 2.11.2012. The petitioner was declared as qualified as she secured 96 marks out of 150 marks, which is more than 60%. Hence she was called to attend certificate verification on 6.11.2012 for selection to the post of B.T. Assistant. Accordingly, she attended the

certificate verification.

b) When the TRB released the results in the website, the petitioner was not selected. The reason for non selection is given in the remarks column. The reason stated in the remarks column is as "Microbiology", i.e., since the petitioner possessed B.Sc. (Micro biology), it was considered as not equivalent to B.Sc. (Botany).

c) Therefore, the petitioner filed this writ petition to quash the proceedings of the TRB that was posted in their official website on 5.12.2011² for non selection of the petitioner as B.T. Assistant (Science). The petitioner also sought for a direction to the TRB to select and appoint her to the post of B.T. Assistant (Science). The Secretary to the Government of Tamil Nadu is made as the first respondent and the Teachers Recruitment Board is the second respondent in this writ petition.

d) It is pleaded that the Government issued G.O.Ms. No. 254, School Education Department, dated 22.10.1998 declaring that B.Sc. (Micro Biology) awarded by the Bharathiyar University is equivalent to B.Sc. (Botany/Zoology). The declaration relating to equivalence in relation to various other degrees is also found in the said G.O. The said G.O.Ms. No. 254 was issued based on G.O.Ms. No. 441, P&AR Department, dated 20.12.1993. The Expert Committee constituted as per G.O.Ms. No. 441 to determine the equivalence, recommended for such declaration. Hence the petitioner is entitled to the relief of appointment.

e) Secondly, it is pleaded that a Division Bench of this Court in the order dated 6.11.2009 in W.A. No. 1093 of 2009 held that as per G.O.Ms. No. 254, B.Sc. (Microbiology) is equivalent to B.Sc. (Botany). Hence a direction was issued to consider the case of the appellant therein for the post of B.T. Assistant (Botany).

W.P. No. 33070 of 2012:

4. The petitioner passed B.Sc. (Microbiology) in 2006. Thereafter, he passed M.Sc. Biotechnology (Life Science) in 2008. He studied B.Ed. (Biological Science) in 2011. The petitioner appeared for TET on 12.7.2012 conducted by the Teachers Recruitment Board (shortly TRB). But he was not successful. Thereafter, the TRB conducted supplementary TET examination on 14.10.2012. The petitioner secured 99 marks out of 150 marks. He was declared as qualified in the TET examination.

a) Based on such declaration, he appeared for certificate verification on 6.11.2012 for the post of B.T. Assistant (Science). When the result was published by the TRB in their website on 4.12.2012, the petitioner was not selected on the ground that he studied B.Sc. (Microbiology).

b) Hence the petitioner filed this writ petition seeking to quash the proceedings relating to non selection of the petitioner as B.T. Assistant (Science) and consequently seeking for a direction to the respondents to select and appoint him as B.T. Assistant (Science) on the basis of her pass in the TET examination that

was held on 14.10.2012. The first respondent is the Education Department of the Tamil Nadu Government, the second respondent is the TRB, the third respondent is the Director of School Education and the 4th respondent is the Director of Elementary Education.

c) It is stated that as per G.O.Ms. No. 254, School Education Department, dated 22.10.1998, B.Sc. (Microbiology) offered by the Bharathiyar University is equivalent to the B.Sc. (Botany/Zoology). The petitioner obtained B.Sc. (Microbiology) in the Madras University. Hence the same G.O shall be made applicable to the petitioner.

W.P. No. 33090 of 2012:

5. The petitioner studied B.Sc. Mathematics with Computer Applications in Annamalai University. He passed B.Ed. course in the year November, 2008 in Bharathidasan University. The petitioner appeared for TET examination for the post of Graduate Assistant (Mathematics). The result was published on 3.11.2012. He was successful and was declared as pass in the TET.

a) Based on the TET qualification, a call letter was sent by the TRB to appear for certificate verification on 6.11.2012. Accordingly, he appeared with all his certificates. When the result was published by the TRB in their website on 5.12.2012, he was not selected. The reason for his non selection is given in the remarks column as "Maths with CA", i.e., he possessed B.Sc. Mathematics with Computer Applications.

b) Hence he has filed this writ petition seeking to quash the aforesaid website result dated 5.12.2012 in respect of not selecting him for the post of Graduate Assistant (Mathematics). He also sought for a direction to the respondents to consider him to the post of Graduate Assistant (Mathematics). The TRB is the first respondent, the Education Department of the Tamil Nadu Government is the second respondent, the Director of School Education is the third respondent and the Annamalai University is shown as the fourth respondent.

c) According to the petitioner, B.Sc. Mathematics with Computer Application is equivalent to B.Sc. (Mathematics).

W.P. No. 33509 of 2012:

6. The petitioner passed B.Sc. Plant Biology and Plant Biotechnology in April, 2008 in First Class from the Madras University. The Madras University has certified that B.Sc. Plant Biology and Plant Biotechnology is equivalent to B.Sc. Botany. Thereafter, he passed B.Ed. in 2009 in the First class. Then, he completed M.Sc. Plant Biology and Plant Biotechnology in April 2011 in the First Class in the Madras University. He passed the Tamil Nadu Teacher Eligibility Test Supplementary Examination, 2012 by securing 91 marks out of 150 marks.

a) Based on the success in the TET, he was called for the certificate verification. But, when the result was published in the website by the TRB, he was not

selected. The reason as given in the remarks column is "Plant Biology & Bio Technology in Madras University".

b) Hence he has filed this writ petition seeking to declare the rejection of the petitioner's candidature to the post of Graduate Assistant in Botany by the TRB as illegal and consequently sought for a direction to the respondents to select and appoint him to the post of Graduate Assistant in Botany.

c) The petitioner pleaded that the University of Madras clarified in their letter dated 18.12.2009 that B.Sc. in Plant Biology and Plant Biotechnology awarded by the Madras University is equivalent to B.Sc. degree in Botany of the Madras University.

d) He further pleaded that the Government issued G.O.Ms. No. 421, Higher Education Department, dated 27.9.2000 permitting Arts and Science Colleges to impart B.Sc. Plant Biology and Plant Biotechnology from the academic year 2000-2001 in the place of B.Sc. Botany.

e) Thirdly, the petitioner stated that the Government also issued another G.O.Ms. No. 423, Higher Education Department, dated 13.7.2004 permitting the Arts and Science Colleges to impart M.Sc. Plant Biology and Plant Biotechnology in the place of M.Sc. Botany.

f) Fourthly, he pleaded that one Manikandan, who was also in possession of the qualification in B.Sc. and M.Sc. Plant Biology and Plant Biotechnology from the Madras University was selected and appointed as Graduate Assistant (Science).

g) Lastly, it was pleaded that the Government issued G.O.Ms. No. 133, School Education Department, dated 4.6.2012 declaring that B.Sc. Plant Biology and B.Sc. Plant Biotechnology are equivalent to B.Sc. Botany. The petitioner also relied on the order dated 6.9.2012 in W.P. No. 23207 of 2012, wherein it is held that M.Sc. Plant Biology and Plant Biotechnology is equivalent to M.Sc. Botany.

W.P. No. 34139 of 2012:

7. The petitioner passed B.Sc. (Microbiology) in April, 2008 in First Class with distinction of D+ Grade from Bharathidasan University. She passed B.Ed. in 2009 in the First Class from the Tamil Nadu Teachers Education University. She also passed M.Sc. (Microbiology) in April, 2011 in First Class with distinction of D+ grade from the Bharathidasan University.

a) The petitioner appeared for TET Supplementary Examination for the post of Graduate Assistant (Botany). Since she was successful in the test, she was called for certificate verification on 6.11.2012. She accordingly appeared and produced her certificates. When the TRB published the results in their website, the petitioner was not selected. The reason for non selection in the remarks column is that "Microbiology".

b) The petitioner filed this writ petition seeking to quash the aforesaid rejection of the petitioner to the post of Graduate Assistant published in the website of the

TRB and also seeking for a direction to the respondents to select and appoint her to the post of Graduate Assistant (Botany). The Director of School Education is the first respondent and the TRB is the second respondent.

c) The petitioner pleaded that as per G.O.Ms. No. 254, P&AR Department, dated 22.10.1998, B.Sc. (Microbiology) is equivalent to B.Sc. (Botany/Zoology). Hence, she should have been selected. Secondly, it was pleaded that having passed TET examination for Graduate Assistant (Botany), the respondents are not correct in refusing to select her.

W.P. No. 35310 of 2012:

8. The petitioner passed B.Sc. (Microbiology) in 2002 in First Class. She also passed B.Ed. in 2006. The petitioner appeared for TET, 2012 examination on 12.7.2012 for the post of Graduate Assistant (Science). She secured 93 marks out of 150 marks, which is more than 60%. Therefore, she was declared as qualified in the TET.

a) Based on the same, she was called to attend the certificate verification on 7.9.2012 for the post of B.T. Assistant (Science). Accordingly, she produced the certificates. But, she was not selected as per the results that were published in the website of the TRB. The reason for non selection is stated in the remarks column as "Degree in Microbiology".

b) The petitioner filed this writ petition seeking to quash the aforesaid declaration of result in the website on 5.12.2012 and also seeking for a direction to the respondents TRB to select and appoint her as Graduate Assistant (Science). The first respondent is the School Education Department of the Tamil Nadu Government and the second respondent is the TRB.

c) The petitioner relied on G.O.Ms. No. 254, P&AR Department, dated 22.10.1998, wherein it is stated that B.Sc. (Microbiology) is equivalent to B.Sc. (Botany/Zoology). Secondly, the petitioner has also relied on the order dated 6.11.2009 in W.A. No. 1093 of 2009, wherein the Division Bench of this court held that B.Sc. (Microbiology) is equivalent to B.Sc. (Botany) and directed the respondents to appoint the appellant therein for the post of Graduate Assistant (Botany)

W.P. No. 230 of 2013:

9. The petitioner passed B.A. (Tamil) in First class in April, 2004. Then, she passed M.A.(Tamil and Indian Literature) in April, 2006 from Gandhigram Rural University. She also passed B.Ed. in 2007 in first class.

a) The TRB issued a notification, dated 28.2.2012 calling for applications to fill up various posts of P.G. Assistants in various subjects for the year 2011-2012. There were 601 vacancies for the post of P.G. Assistants (Tamil). The petitioner applied for the same. She appeared for the written examination held on 27.5.2012. She secured 113 marks. Based on the same, she was directed to appear for

certificate verification by a letter dated 26.7.2012 on 4.8.2012. Accordingly, she appeared and produced certificates.

b) While so, the TRB published the results on 11.12.2012 including the weightage marks for employment exchange seniority. She was awarded 115 marks. She was selected to the post of P.G. Assistant (Tamil) under BCW turn. She was also issued an appointment order dated 12.12.2012 by the Joint Director of School Education (Higher Secondary), Chennai-6. It is stated therein that the order of allotment of school would be given based on the counselling to be conducted in this regard. The petitioner participated in the counselling held on 31.12.2012. The petitioner has given option for allotment to Kambiliyanpatti Government Higher Secondary School, Dindigul District. But no order of allotment is given based on the counselling to join the post. The petitioner was informed that the petitioner was not given the order of allotment since she possessed M.A. Tamil and Indian Literature instead of P.G. Degree in Tamil.

c) Hence she filed this writ petition seeking for a direction to the respondents to issue an order of allotment of school to the petitioner based on the selection and the order of appointment issued in favour of her. The first respondent is the Director of School Education and the second respondent is the TRB.

d) The petitioner pleaded that having issued the appointment order, after selection, the first respondent is bound to give allotment order to the petitioner. Neither selection nor the appointment was cancelled. It is also pleaded that as per G.O.Ms. No. 530, P&AR Department, dated 11.10.1988, M.A. (Tamil and Indian Literature) from the Gandhigram Rural Institute is equivalent to the corresponding courses offered in the Universities in Tamil Nadu for the purpose of employment opportunities.

W.P. No. 7386 of 2013:

10. The petitioner passed B.A. English in November, 2006 in the Thiruvalluvar University, Vellore. He passed M.A. (English with Comparative Literature) in May, 2009.

a) The TRB issued a notification, dated 28.2.2012 calling for applications for direct recruitment to the post of P.G. Assistants in various subjects including P.G. Assistant (English). There were 349 vacancies notified for P.G. Assistant (English). He applied for the same. He appeared for the written examination held on 27.5.2012. Since he was successful in the written examination, he was called for certificate verification on 4.8.2012. When the provisional selection list was published on 23.10.2012, his name was found therein. Subsequently, another provisional list dated 11.12.2012 was published and the petitioner was not selected. A final list, dated 18.12.2012 was published, but the petitioner was not selected. The reason for non selection is given in the remarks column. The reason stated is "PG English with Comparative Literature".

b) Hence he has filed this writ petition seeking for a direction to the respondents

to select and appoint the petitioner as P.G. Teacher in English. The TRB is the first respondent and the School Education Department of the Tamil Nadu Government is the second respondent.

c) The petitioner pleaded that the Pondicherry University issued equivalence certificate dated 21.1.2013 that M.A. English and Comparative Literature of their university is equivalent to that of M.A. English offered by any other recognised Indian universities. The Madras University also issued an Equivalence certificate dated 31.1.2013 that M.A. English and Comparative Literature awarded by the Pondicherry University is recognised as equivalent to M.A. Degree in English of the Madras University.

d) The petitioner also pleaded that having selected, the respondents were not correct in, later, deleting his name from the selection list and refusing to give him the appointment order. It is also stated that the TRB should get the decision on the equivalence from the committee constituted as per G.O.Ms. No. 441, P&AR Department, dated 20.12.1993 and decide thereafter as to whether the petitioner is eligible for appointment order or not.

W.P. No. 12690 of 2013:

11. The petitioner passed B.Sc. Physics in October, 1999 in the Madras University. He also passed B.Ed. from Pondicherry University in August, 2002. He also passed M.A. English in May, 2004 in Annamalai University. Thereafter, he passed B.A. English in May, 2010 from Annamalai University.

a) The TRB issued a notification, dated 28.2.2012 calling for applications for direct recruitment to the post of Post Graduate Assistants. The petitioner applied for P.G. Assistant in English. He appeared for the written examination on 27.5.2012. As he was successful in the written examination, he was called for certificate verification on 4.8.2012. Based on the certificate verification, selection list was published on 23.10.2012, wherein he was selected for the post of P.G. Assistant (English). However, when the subsequent list was released on 11.12.2012, he was not selected. There was no reason for non selection.

b) Hence he has filed this writ petition seeking for a direction to the respondents to select and appoint the petitioner as P.G. Assistant in English. The first respondent is the TRB and the second respondent is the School Education Department of the Government of Tamil Nadu.

c) It was pleaded that there was no reason given for non selection of the petitioner when he was selected in the earlier selection list. Secondly, it is submitted that he was orally informed that he obtained qualification in reverse order and therefore, he was not selected.

W.P. No. 15219 of 2013:

12. The petitioner passed B.Sc. Mathematics Computer Application in Periyar University in 2010. She also passed B.Ed. in 2011. When TRB conducted TET

Supplementary examination, 2012 on 4.7.2012, she participated for the post of Graduate Assistants. She was successful in the examination when the result was published on 8.11.2012. Since she was successful in the TET, she was asked to appear for certificate verification. After the certificate verification, the result was published by the TRB in their website on 5.12.2012. But the petitioner was not selected. The reason for non selection is given in the remarks column. It was stated in the remarks column as "Maths with CA".

a) Hence the petitioner has filed this writ petition seeking for a direction to consider her for the post of B.T. Assistant in Mathematics based on the marks secured by the petitioner in the TET examination and as per G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013. The Director of School Education is the first respondent and the TRB is the second respondent.

b) The petitioner pleaded that G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declared that B.Sc. Mathematics with Computer Application is equivalent to B.Sc. Mathematics. Hence she is entitled for selection and appointment.

W.P. No. 15762 of 2013:

13. The petitioner passed B.Sc. Statistics in March, 1990 from Madras University with Mathematics as the ancillary subject. She also obtained B.Ed. in May, 1995 from Annamalai University. The petitioner registered her name in the Employment exchange. In the year 2008, various posts of B.T. Assistants in the Government High Schools and Higher Secondary Schools were filled up. The recruitment was based on the employment exchange seniority.

a) While so, the petitioner received a call letter from the TRB in 2008 for certificate verification. After the certificate verification, she was selected and her name was shown in Sl. No. 496 in the selection list. The TRB allotted her to the Director of Elementary Education for giving necessary appointment order.

b) While so, the TRB informed her through letter dated 27.12.2008 that her selection was kept in abeyance on the ground that equivalence in major subject is to be obtained. Hence the petitioner approached the Madras University to clarify the same. The Madras University by a letter dated 19.1.2009 informed that the candidate with B.Sc. degree in Statistics and B.Ed. Degree in Mathematics awarded by the recognised university can be considered for appointment as Mathematics teacher (B.T. Assistants) in elementary schools through TRB provided the candidate has passed the degree after undergone 10+2+3 or 11+1+3 pattern. The same was handed over to the TRB.

c) When a similar problem arose in the case of many candidates, the TRB wrote to the Education Department of the Tamil Nadu Government to clarify the issue in their letter dated 18.2.2009. Thereafter, the TRB sent a letter in O.Mu. No. 1485/A3/09, dated April, 2009 to the petitioner stating that the case of the petitioner can be considered only after the clarification from the Government.

While so, the TRB issued a letter dated 16.3.2011 that B.Sc. Statistics is not equivalent to B.Sc. Mathematics.

d) Hence the petitioner filed this writ petition praying for a direction to the respondents to appoint her as B.T. Assistant Mathematics. The first petitioner is the School Education Department of the Government of Tamil Nadu, the second respondent is the Director of Elementary Education and the third respondent is the TRB.

e) The petitioner relies on G.O.Ms. No. 133, School Education Department, dated 4.6.2012, wherein B.Sc. Statistics is considered as equivalent to B.Sc. Mathematics. Further, the petitioner pleaded that one Gunasekaran and Tamilselvi who also possessed the same qualification of B.Sc. Statistics were given appointment while the petitioner was treated differently. She brought to the notice of the TRB by her letter dated 4.6.2011. It is also her case that the having the TRB informed her that the case of the petitioner would be considered based on the clarification from the Government, the petitioner should be selected and appointed based on the G.O.Ms. No. 133.

W.P. No. 18980 of 2013:

14. The petitioner passed B.Sc. Microbiology in 2006 from the Madras University. She passed B.Ed. in 2011. The petitioner appeared in Teacher Eligibility Test conducted by the TRB for recruitment to the post of Graduate Assistant (Science) for the year 2012. He secured 99 out of 150 marks. He was declared as pass. Thereafter, he appeared for certificate verification on 6.11.2012. The TRB published the selection list in the website on 4.12.2012. But the petitioner was not selected. The non selection is on the ground that he was in possession of B.Sc. Microbiology.

a) The petitioner has filed this writ petition seeking for a direction to the respondents to appoint the petitioner as B.T. Assistant (Science). The Education Department of the Tamil Nadu Government is the first respondent, the TRB is the second respondent, the Director of School Education is the third respondent and the Director of Elementary Education is the fourth respondent.

b) The petitioner has relied on G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 and also G.O.Ms. No. 254, School Education Department, dated 22.10.1998 and in those Government Orders, B.Sc. (Micro Biology) is considered equivalent to B.Sc. (Botany/Zoology).

W.P. No. 19333 of 2013:

15. The petitioner passed B.Sc. Chemistry in 1984, M.Sc. (Polymer Chemistry) in 1991. In the meantime, she passed B.Ed. in 1987. She also passed M.Ed. The petitioner registered her name in the Employment Exchange. After 18 years, the employment exchange sponsored the name of the petitioner to the TRB for the post of P.G. Assistant (Chemistry). The TRB sent a call letter on 3.3.2010 to the petitioner to appear for certificate verification. She appeared and produced the

certificate for verification on 12.3.2010. The TRB withheld the result on the ground that they entertained a doubt as to whether M.Sc. Polymer Chemistry is equivalent to M.Sc. Chemistry. Though the petitioner produced the equivalent certificate issued by the Madras University that M.Sc. Polymer Chemistry is equivalent to the M.Sc. Chemistry, the TRB informed the petitioner that the issue has been referred to the Equivalence Committee and directed the petitioner to await for the decision from the Equivalence Committee.

a) While so, the petitioner filed W.P. No. 15428 of 2010 seeking for a direction to the TRB to consider M.Sc. Polymer Chemistry as equivalent to M.Sc. Chemistry for appointment to the post of P.G. Assistant. This court passed an order dated 15.9.2010 disposing of the writ petition in the following terms:

2. According to him, as per the abovesaid Government Order, the qualification possessed by the petitioner is M.Sc. Degree in Polymer Chemistry as equivalent to M.Sc. (Chemistry) degree. However, for want of clarification from Government regarding the equivalency of the qualification, the selection of the petitioner has been withheld. As the Teachers Recruitment Board is awaiting clarifications, the Secretary to the Government, Education Department, Fort St. George, Chennai, the first respondent herein is directed to issue necessary clarifications to the Teachers Recruitment Board, within a period of three weeks from the date of receipt of a copy of this order, so as to finalise the selection of the petitioner to the post of Post Graduate Teacher (Chemistry) in Higher Secondary Schools.

b) In the circumstances, the TRB passed an order dated 8.2.2013 that the Government issued G.O.Ms. No. 165, School Education (HS2) Department, dated 4.7.2012 that M.Sc. (Polymer Chemistry) is not equivalent to M.Sc. Chemistry.

c) In these circumstances, the petitioner has filed this writ petition seeking to quash the aforesaid order dated 8.2.2013 of the TRB and for a consequential direction to appoint her as P.G Assistant (Chemistry). The TRB is the first respondent and the Director of School Education is the second respondent.

d) The petitioner has pointed out that G.O.Ms. No. 165, does not consider as to whether M.Sc. Polymer Chemistry is equivalent to M.Sc. Chemistry. Hence the impugned order was passed without application of mind. The petitioner has relied on G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013, wherein M.Sc. Polymer Chemistry is considered as equivalent to M.Sc. Chemistry.

W.P. No. 20988 of 2013:

16. The petitioner passed B.Sc. Chemistry in 1995, M.Sc. Inorganic Chemistry in 1998 and B.Ed. in 1999. She registered her name in the employment exchange on 1.3.1999. The employment exchange sponsored the name of the petitioner for appointment to the post of P.G. Assistant (Chemistry) when her turn came up for consideration in 2009-2010. She was asked to appear for certificate verification on 12.3.2010 for the post of P.G. Assistant in Chemistry.

a) The petitioner appeared for certificate verification and produced her

certificates. Her result was published on 7.6.2010 in the website. But the result of the petitioner was withheld. No reason was given for withholding the result of the petitioner.

b) While so, the Government issued G.O.Ms. No. 165, School Education Department, dated 4.7.2012 declaring that M.Sc. (Inorganic Chemistry) is equivalent to M.Sc. Chemistry. In spite of the said G.O.Ms. No. 165, no selection order was passed. The petitioner made several representations. But those representations do not bring any result.

c) Hence the petitioner has filed this writ petition seeking for a direction to the respondents to appoint the petitioner as P.G. Assistant (Chemistry) on the basis of the selection made for the year 2009-2010 by withdrawing the withheld result published by the TRB on 7.6.2010 and confer all the benefits. The TRB is the first respondent and the Director of School Education is the second respondent.

d) The petitioner has relied on G.O.Ms. No. 165, School Education Department, dated 4.7.2012 in support of her case.

W.P. No. 21173 of 2013:

17. The petitioner passed B.A. (Economics) in 1986, M.A. (Applied Economics) in 1989 and B.Ed. in 1990. He registered his name in the employment exchange on 29.8.1990. When his turn came up for consideration for appointment to the post of P.G. Assistant (Economics) for the year 2010-2011, the employment exchange sponsored his name. The TRB asked him to appear for certificate verification on 8.1.2012. He appeared for certificate verification. When the result was published in the website on 4.4.2012, he was not selected. The reason for non selection was given in the remarks column. It is stated in the remarks column that "U.G. Economics P.G. Applied Economics Equivalence G.O not produced".

a) The petitioner filed this writ petition seeking for a direction to the respondents to select and appoint him as P.G. Assistant (Economics) on the basis of the selection made for the year 2010-2011 and confer all the consequential benefits. The TRB is the first respondent and the Director of School Education is the second respondent.

b) The petitioner relies on the equivalence certificate, dated 22.2.2012 issued by the Madras University stating that the M.A. Degree in Applied Economics awarded by the Annamalai University is recognised as equivalent to M.A. Degree in Economics of the Madras University provided the petitioner passed the said degree after undergoing 10+2+3+2 or 11+1+3+2 pattern of study. The petitioner also relied on G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013, where M.A. Applied Economics is considered as equivalent to M.A. (Economics).

18. A common counter affidavit was filed by all the respondents in W.P. Nos. 33070, 35316 of 2012 and 7386 of 2013. It is stated that the same can be taken as a counter affidavit for other writ petitions also.

- a) It is averred that an advertisement No. 3/2012, dated 28.2.2012 was issued in dailies by the TRB calling for applications from eligible candidates for the post of Graduate Assistants in various subjects for appointment in Government Higher Secondary Schools. The candidates should have studied the same subject in Bachelors degree and Masters degree (both for academic subjects and languages)
- b) Paragraph 7 of the notification dealing with the equivalent qualification is referred to. It is stated that the claim of equivalence in the subject by the candidates would be subject to the decision of the Equivalence Committee constituted as per G.O.Ms. No. 441, P&AR Department, dated 20.12.1993 and the decision of the Government. The counter affidavit also refers to Annexure IV of the prospectus relating to Post Graduate Equivalent subjects.
- c) As per the notification, dated 28.2.2012, written competitive examination was conducted on 27.5.2012. Based on the same, certificate verification for the provisionally selected candidates were conducted on 3.8.2012. The revised list of provisionally selected candidates was published on 18.10.2012. Subsequently, certificate verification was conducted on 30.10.2012 and 31.10.2012 and final provisional select list was published on 10.12.2012.
- d) The TRB had drawn the select list of candidates who possessed the requisite qualifications on the date of the notification. The TRB rejected the candidature of those candidates who did not have requisite qualification, for which no equivalence Government Order was issued or equivalence Government Order was issued subsequently at a later date.
- e) In W.P. No. 35316 of 2012, the petitioner applied for Post Graduate Assistant (Geography). He appeared for the examination and thereafter, certificate verification took place on 4.8.2012. Based on the same, the select list was published on 18.10.2012. Since he studied M.Sc. (Applied Geography), which is not equivalent to M.Sc. (Geography), as there was no equivalence G.O., he was not selected.
- f) Likewise, the petitioner in W.P. No. 7386 of 2013 applied for P.G. Assistant (English). He was called for certificate verification on 4.8.2012 as he was successful in the written examination and a select list was published on 18.10.2012. Since the petitioner possessed M.A. (English with Comparative Literature), which is not equivalent to M.A.(English), as there is no equivalence G.O. in this regard, he was not selected.
- g) Thereafter, the counter affidavit has dealt with recruitment to the post of B.T. Assistants by conducting Teacher Eligibility Test. A notification in advertisement N.04/2012, dated 7.3.2012 was issued calling for applications from eligible candidates for appearing in Papers I and II. The candidates, who appeared for recruitment for the post of Secondary Grade Assistant, have to write Paper I. We are concerned herein with Graduate Assistants who have to appear for Paper II. The candidates who have passed Bachelors Degree (B.A./B.Sc./B.Lit. with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and

Geography) or degree in any one of the equivalent subject from the recognised university under 10+2+3 pattern and a degree in Teacher Education from the recognised university, can write Paper-II for Graduate Assistant for taking classes between 6 and 8. Accordingly, TET Examination was conducted on 14.10.2012. Various G.Os issued on equivalence is stated.

h) It is averred that the petitioner in W.P. No. 33070 of 2012 applied for the post of Graduate Assistant (Botany/Zoology). The petitioner is a graduate in B.Sc. (Micro Biology). The Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 stating that B.Sc. (Micro Biology) is equivalent to B.Sc. (Botany/Zoology). But, G.O.Ms. No. 72 was issued subsequent to the certificate verification. Hence the petitioner would not be considered.

i) It is also stated in the counter affidavit that the Tamil Nadu Government issued G.O.Ms. No. 441, P&AR Department, dated 20.12.1993 setting up a committee for recognition of courses offered by educational institutions under the Chairmanship of the Chairman of TNPSC with other members, i.e., the Vice Chancellors of Madras University and Annamalai University, Secretary to Government, P&AR Department, Secretary to Government, Education Department, Director of Collegiate Education and Director of Technical Education. The committee convenes its meeting once in a year or as and when need arises and will send its recommendations on equivalence of courses to the Government. The Government will examine the Committee's recommendations and issue necessary orders. It is the responsibility of the candidates to produce such equivalence order issued by the Government before applying for the post.

j) The TRB considered all subjects for which equivalence Government Order was already issued before the last date of the application. The Government alone is the competitive authority to decide the issue of equivalence between the courses and the opinion of the other authorities/experts cannot be relied to decide on equivalence between the two courses. Hence it is prayed for dismissal of all writ petitions.

19. Heard both sides.

20. The learned counsels for the petitioners have submitted that the Graduate Assistants for the Government schools to teach classes between 6 and 8 as well as Post Graduate Assistants in various subjects to teach higher secondary classes were recruited solely based on the seniority in the employment exchange, prior to the year 2012. The TRB called for eligible candidates from the employment exchanges. The Employment Exchanges used to send a list of eligible candidates for each subject. It is their case that the Employment Exchange used to send the candidates with degree in equivalent subject. All candidates sent by the Employment Exchange were called for certificate verification. If the TRB entertains doubt as to the equivalence, the same would be referred to the Equivalence committee and the result of such candidates are withheld awaiting the result of the Equivalence Committee and the order of the Government

thereon.

21. It is submitted that the TRB, by notification, dated 7.3.2012, called for candidates to appear for the Tamil Nadu Teacher Eligibility Test (TNTET) -2012 (for short TNTET 2012), for the post of Graduate Assistants. It is also for Secondary Grade Teachers. They relied on Clause 3 relating to eligibility to write TET as per the notification. As per the eligibility criteria, the candidates should have passed Bachelor's Degree (B.A./B.Sc./B.Litt. with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography) or a degree with any one of the equivalent subject from the recognised university.

22. They emphasised that a candidate, in possession of degree in equivalent subject, is eligible to write the TET test. They submitted that the notification nowhere states that only candidate whose equivalence degree was notified by the Government alone would be considered. It was submitted that in that event, the TRB could have rejected their application to write the examination. Having permitted to write the examination, the TRB is not correct in stating that equivalence of degree was declared only subsequent to the last date of receipt of the application.

23. It is also submitted that notification, dated 28.2.2012 was issued by the TRB for recruitment of 2895 posts of Post Graduate Assistants in various subjects. They heavily relied on Clause 7 of the notification relating to equivalent qualification. As per Clause 7, if a candidate claims that educational qualification in the subject possessed by him is equivalent to the one that is prescribed for appointment, his claim would be subject to the decision of the Equivalence Committee constituted as per G.O.Ms. No. 441, P&AR Department, dated 20.12.1993 and the decision of the Government. Therefore, they submitted that the notification nowhere states the candidature could be rejected if he does not produce the equivalence G.O on the last date of the receipt of the application, i.e., 30.3.2012 in the case of P.G. Assistant and 4.4.2012 in the case of Graduate Assistant. Since both notifications, 7.3.2012 and 28.2.2012 were issued almost simultaneously, the TRB should adopt the same approach by waiting for the decision of the Equivalence Committee in case if the TRB entertains any doubt as to the equivalence.

24. This procedure is adopted by the TRB when recruitment took place based on seniority alone and the same should also be followed when the recruitment of B.T. Assistants is based on the written examination by TNTET and the recruitment of P.G. Assistants is based on written examinations. They relied on various communications issued by the TRB withholding the results subject to the outcome of the decision by the Equivalence Committee. They also relied on various judgments of this court directing the TRB to select candidates based on subsequent Government Orders declaring that the degree possessed by the candidate is equivalent to the degree required for appointment. Therefore, the same should be followed.

25. The learned counsels also pointed out that the TRB made a departure in 2013 when it issued the notification for recruitment to P.G. Assistants for the year 2012-2013. In the said notification, it is made clear that the candidate should produce the equivalence Government Order if he claims the degree which he possessed is equivalent to the degree prescribed for appointment. It is categorically stated in the notification that the G.O issued prior to the date of the notification alone would be considered. The learned counsel for the petitioners pointed out that no such condition was prescribed in the notification issued for recruitment for PG Assistants 2012 or in TNTET 2012.

26. The learned counsels for the petitioners also relied on various judgments and those judgments are considered at the appropriate place.

27. On the other hand, the learned Additional Advocate General has submitted that the last date for the receipt of the applications for TNTET 2012 examination is 4.4.2012. Likewise, the last date for receipt of the applications for recruitment to the posts of P.G. Assistants 2011-2012 is 30.3.2012. He vehemently contended that all eligibility conditions including equivalent qualification should have the reference to the last date of receipt of the applications.

28. According to him, if there was no G.O on equivalence prior to the date of last date of receipt of the applications, then those candidates are not eligible for consideration to the post of Graduate Assistants or Post Graduate Assistants. He relied on Clause 18 of the notification dated 28.2.2012 for recruitment to the post of P.G. Assistants and clause 18 is relating to special instructions to candidates and more particularly Clause 18(e) is relied on. It was contended that the candidates were informed that all the certificates of their eligibility and documents should be obtained on or before the closing date of submission of the filled in application and the same would alone be considered.

29. He relied on the judgments of the Apex Court in Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others, Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another, and Jenany J.R. Vs. S. Rajeevan and Others, for the proposition that eligibility condition has to be tested as on the last date of receipt of applications.

30. He further submitted that even selected candidates do not get vested right to get appointment based on select list as per the judgments of the Apex Court reported in Shankarsan Dash Vs. Union of India, State of A.P. and Others Vs. D. Dastagiri and Others, and this Court in A. Senthilraj and Others Vs. The Director State Council Education Research and Training DPI Campus and The Chairman Teachers Recruitment Board 4th Floor, Hence these petitioners cannot seek for selection/appointment to the post of Graduate Assistants/P.G. Assistants.

31. I have considered the submissions made by either side.

32. The issue that arises for consideration in all these writ petitions is as to whether the candidature of the petitioners would be rejected on the ground that

the degree which they possessed was declared equivalent to a degree that was required for appointment to the post, subsequently by way of the Government Order on equivalence?

33. Before 2012, it is admitted that recruitment for the post of Graduate Assistants as well as recruitment for the post of Post Graduate Assistants were done based on the employment exchange seniority alone. The recruiting agency, i.e., Teachers Recruitment Board used to call for a list of eligible candidates in certain ratio from the employment exchange (the ratio changed for different years). The Employment Exchange used to send the list to the TRB. Based on the list sent by the employment exchange, the TRB used to send call letters to candidates to appear for certificate verification. The candidates were directed to produce various certificates including the certificate on educational qualification.

34. The letter No. Tho.Pa.1/42577/09, dated 12.1.2010 of the Commissioner for Employment and Training written to the Chairman, TRB is relating to the list furnished by the employment exchange for the recruitment of 6522 Graduate Assistants. The following passage in the said letter is extracted hereunder:

(***)

35. The aforesaid letter of the Employment Exchange makes it clear that the procedure that was followed by the TRB was to consider the degree holders who obtained equivalent degree also. In those cases, if the TRB entertained doubt as to the equivalence and if there was no Government Order on equivalence for those degrees, the TRB used to refer it to the Equivalence Committee for its decision and for Government Order thereon. This could be seen in the earlier portion of this judgment that deals with the narration of facts.

36. After the enactment of Right of Children to Free and Compulsory Education Act, recruitment to the Graduate Assistants are done by way of conducting Teacher Eligibility Test. From the year 2012, Teacher eligibility test was conducted. Likewise, for recruitment to the post of P.G. Assistants also, it was made based on written examinations, instead of seniority in the employment exchange, from 2012 onwards.

37. At this juncture, it is relevant to extract Clause 3 relating to the eligibility to write TET for recruitment to the post of Graduate Assistants. The notification for TNTET 2012 was dated 7.3.2012. It is true, the last date for receipt of the application was 4.4.2012. Clause 3 of the notification relating to Graduate Assistant reads as follows:

Candidates who have passed a Bachelor's Degree (B.A./B.Sc./B.Litt.) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography or a Degree with any one of the equivalent subjects from a Recognized University under 10+2+3 Pattern and a Degree in Teacher Education (B.Ed.) from a Recognized University and seeking an appointment as Teacher for classes VI to VIII can write Paper II.

38. It is in tune with the recruitment rules. Neither the recruitment rules nor TRB notification declared that the candidates who claim equivalent degree should have the Government Order in this regard as on the last date of the receipt of the application.

39. Paper-II contains four parts for 150 marks. Unless a candidate secures 60%, i.e., 90 out of 150 marks, he cannot qualify in the TNTET 2012 examination as per Clause 8 of the notification. The person who secures 60% or more in the examination alone be considered as pass, i.e., one should secure 90 out of 150 marks to qualify in the TET examination.

40. Likewise the notification, dated 28.2.2012 was issued for the recruitment to the post of P.G. Assistants for the year 2011-2012. Clause 7 of the notification deals with the equivalent qualification. The same is the clause 8 in the prospectus. The clause relating to the equivalent qualification for recruitment to the post of P.G. Assistants is extracted hereunder:

7. Equivalent Qualifications: If a candidate claims that the educational qualification in the subject possessed by him/her is equivalent to though not the same as those prescribed for the appointment, he/she has to produce the letter of equivalence issued by the competent authority i.e. Government of Tamil Nadu. However, the claim would be subject to the decision of the Equivalence Committee constituted as per G.O.Ms. No. 441, P&AR(R) Department, dated 20.12.1993 and the decision of the Government.

(Emphasis added)

41. This clause makes it clear that candidates can claim equivalent qualification without the Government Order. In those cases, the claims would be subject to the decision of the Equivalence Committee and the final decision of the Government thereon.

42. In order to get over this Clause 8 of the notification, the learned Additional Advocate General has relied on Clause 18(e) of the Special instructions in the notification [in the prospectus 19(e)]. This Clause 18(e) of the Special instructions is extracted hereunder:

e) Candidates are hereby informed that all the certificates of their eligibility and documents should be obtained on or before the closing date of submission of the filled in application alone will be considered.

43. Relying on this clause, the learned Additional Advocate General submitted that the Government Order relating to the Equivalence issued after the last date of the receipt of the application could not be considered to make the petitioners eligible for the posts of the Graduate Assistants or Post Graduate Assistants.

44. It is true that if Clause 7 relating to equivalent qualification is not there in the notification, the submission of the learned Additional Advocate General has some force. In view of the categorical assertion in Clause 7 relating to equivalent

qualification in the notification that the claim of the candidates relating to equivalent qualification would be subject to the decision of the equivalence committee and the decision of the Government, the learned Additional Advocate General is not correct in stating that subsequent decision of the Equivalence Committee would be of no avail. This clause 7 of the notification relating to equivalent qualification shall also be understood taking into account the methodology adopted by the TRB when recruitment was done based on the employment exchange seniority alone by conducting certificate verification before the year 2012.

45. As stated above, the recruitment notification relating to the Graduate Assistants for TNTET 2012 nowhere states that the candidates with equivalent degree should be considered based on the Government Order issued prior to the date of last date of receipt of the application. Hence in these circumstances, the following judgments reported in *Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others*, *Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another*, and *Jenany J.R. Vs. S. Rajeevan and Others*, relied on by the learned Additional Advocate General would be of no assistance.

46. In *Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others*, the University of Rajasthan invited applications by its Advertisement dated 12.10.1983 for appointment of 10 posts of Assistant Professors. The last date for submitting the applications was 14.11.1983. One of the essential qualification for the post was the possession of Doctorate degree. 65 candidates appeared for the interview for the said post. Out of them, 8 were selected. Some of the selected candidates did not possess Doctorate degree on the last date of submission of the application and they obtained it subsequently before the interview was conducted.

47. The Apex Court held that the University has committed error in taking into consideration the requisite qualification as on the date of selection rather than on the last date of preferring the application. The following passage in paragraphs 10 and 11(b) are extracted hereunder:

10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling

the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the selection Committee in the present case, as argued by Shri Manoj Swarup, took into consideration the requisite qualifications as on the date of selection rather than on the last date of preferring applications, it acted with patent illegality, and on this ground itself the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this Court in *A.P. Public Service Commission, Hyderabad and Another Vs. B. Sarat Chandra and Others*, and *District Collector and Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram and Another Vs. M. Tripura Sundari Devi*,

11. However, for the reasons which follow, we are not inclined to set aside the selections in spite of the said illegality. The selected candidates have been working in the respective posts since February 1985. We are now in January 1993. Almost eight years have elapsed. There is also no record before us to show as to how the Selection Committee had proceeded to weigh the respective merits of the candidates and to relax the minimum qualifications in favour of some in exercise of the discretionary powers vested in it under the University Ordinance. If the considerations which weighed with the Committee in relaxing the requisite qualifications were valid, "it would result in injustice to those who have been selected. We, however, feel it necessary to emphasise and bring to the notice of the University that the illegal practices in the selection of candidates which have come to light and which seem to be followed usually at its end must stop forthwith. It is for this purpose that we lay down the following guidelines for the future selection process:

A.

B. The candidates selected must be qualified as on the last date for making applications for the posts in question, or on the date to be specifically mentioned in the advertisement/notification for the purpose. The qualifications acquired by the candidates after the said date should not be taken into consideration, as that would be arbitrary and result in discrimination. It must be remembered that when the advertisement/notification represents that the candidates must have the qualifications in question, with reference to the last date for making the applications or with reference to the specific date mentioned for the purpose, those who do not have such qualifications do not apply for the posts even though they are likely to acquire such qualifications and do acquire them after the said date. In the circumstances, many who would otherwise be entitled to be considered and may even be better than those who apply, can have a legitimate

grievance since they are left out of consideration.

48. The above extracted passage makes it clear that one should look into the advertisement/notification to decide the issue. In this case, Clause 7 of the notification makes it clear that the candidate with equivalent qualification could apply for the post and his claim would be subject to the decision of the Equivalence Committee.

49. At this juncture, it is also relevant to refer Clause 3 relating to the eligibility to write the TET extracted above. This clause permits even the final year student of B.Ed. course to write the TET examination. In the absence of such clause, a student cannot seek to appear for TET since B.Ed. is the requisite qualification along with the degree for the post of Graduate Assistant. Therefore, one should look into the prospectus/notification to resolve the issue.

50. Further more, it is not the case of the respondents that the petitioners did not possess the degree when they made applications. The issue is as to whether the degree obtained by them is equivalent to the degree required for the post. It has to be decided by the Equivalence Committee. The Equivalence Committee also decided and the Government accepted the same in all cases. Therefore, the judgment of the Apex Court in *Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajasthan and Others*, can have no application.

51. Likewise, the other case is *Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another*, of no avail to the respondents. In that case, the qualification prescribed as on the last date for submitting the application for the post of Junior Engineer in the service of the Jammu and Kashmir State was a pass in B.E. Civil examination. The advertisement was dated 9.1.1982 inviting applications for the post of Junior Engineer. The last date for submitting the applications was 15.7.1982. 33 persons who were selected for the post did not possess B.E. qualification as on 15.7.1982 and they appeared for the examination. The result was published on 21.8.1982. The interview was held on various dates commencing from 24.8.1982. But, their selection was upheld by the High Court and the matter came to the Apex Court. The Apex Court held that their selection was bad. However, the Apex Court refused to interfere with the selection on the ground that much water had flown.

52. Paragraph 6 of the Apex Court judgment is extracted hereunder:

6. ...An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it....

53. Therefore, applying this principle, the respondents are bound to act as per Clause 7 of the notification. Taking into account the past history in this regard, the equivalence is referred to the equivalence committee and the result of those candidates who are otherwise eligible are withheld subject to the outcome of the Equivalence Committee.

54. No one can have quarrel to the proposition. The law laid down by the Apex Court in Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another, that whenever the applications prescribe a particular date as the last date for submitting the applications, the eligibility of the candidates, shall have to be judged with reference to the date and that date alone.

55. At the same time, one should take into account the clause in the advertisement/notification to decide the eligibility. If the notification makes a person eligible stating that the person claiming equivalence would be considered subject to the result of the Equivalence Committee, the respondents cannot now claim that the Government issued orders recognising the equivalence subsequent to the last date of receipt of applications would not make them eligible.

56. The other case relied on by the learned Jenany J.R. Vs. S. Rajeevan and Others, The question that arose in that case was the interpretation of Note (2) appended to Rule 43 of the Kerala Education Rules, 1959 framed under the Kerala Education Act, 1958. Note (2) is reproduced hereinbelow:

Note.-(2) Promotion under this rule shall be made from persons possessing the prescribed qualifications at the time of occurrence of vacancy.

57. Vacancies arose to the post of High School Assistant (in short has) on 1.7.2003 in Guhanandapuram School run by Devaswom Committee. On 10.8.2003, an advertisement for selection of teachers for several posts was issued by the management. The appellant in that case applied to the post. She possessed the qualification on the relevant date, i.e., 1.7.2003, the date of arising of vacancy. She was appointed by an order dated 11.9.2003 after the interview. The respondent therein did not possess the qualification as on 1.7.2003. He was declared pass on 23.9.2003 after the appellant was appointed. Though the claim of the respondent was rejected by the District Educational Officer, State Government and the learned single Judge, the Division Bench allowed his claim stating that he acquired the qualification subsequently. Therefore, the judgment of the Division Bench was reversed by the Apex Court. The judgment supports the claim of the petitioners.

58. The Apex Court interpreted Note (2) in favour of the appellant. Likewise in this case, Clause 7 of the notification relating to the recruitment to the P.G. Assistants and Clause 3 of the notification relating to the eligibility to write TET for the post of Graduate Assistant are in favour of the petitioners.

59. The other judgments, i.e. Shankarsan Dash Vs. Union of India, State of A.P. and Others Vs. D. Dastagiri and Others, of the Apex Court and the judgment of this court in A. Senthilraj and Others Vs. The Director State Council Education Research and Training DPI Campus and The Chairman Teachers Recruitment Board 4th Floor, can have no application to this case. In all these cases, it has been held that even selected candidates will have no vested right for appointment and the Government could cancel for valid reasons. Of course, the Government cannot act arbitrarily. It is the law laid down in those cases. No one

can have any quarrel over the same. It is not the case, where the respondents have cancelled the entire selection list for one reason or another. On the other hand, the whole issue is as to whether the respondents are correct in refusing to consider the claim of the petitioners for the posts of Graduate Assistants and P.G. Assistants when the G.Os declared subsequently about equivalence. In some of the cases, the Government Orders were earlier in point of time with reference to the last date of receipt of the application. Even in those cases, the respondents have not chosen to select the petitioners.

60. The learned Additional Advocate General has relied on a judgment of this court in W.P. No. 22915 of 2010, dated 7.10.2010 and submitted that since selection process is over, the claim of the petitioner could not be considered based on the said judgment.

61. I have perused the said judgment. In that judgment, the petitioner sought for a direction to the respondent to consider her for appointment to the post of B.T. Assistant (Biology) and to permit her to participate in the selection process. She obtained degree in B.Sc. (Microbiology). According to her, it is equivalent to B.Sc. Biology and she should be allowed to participate in the selection process. By the time she approached this court, the selection process was over. She filed the writ petition with the prayer as stated above.

62. This court held that the process of selection was over and therefore, the writ petition deserved to be dismissed.

63. In this case, the petitioners participated in the selection process. Therefore, that judgment cannot be applied to the facts of this case.

64. On the other hand, the petitioners relied on the judgment of the Apex Court in Chandrakala Trivedi Vs. State of Rajasthan and Others, to decide as to what is equivalent. Paragraph 8 of the said judgment is relevant and the same is extracted hereunder:

8. The word equivalent must be given a reasonable meaning. By using the expression equivalent one means that there are some degrees of flexibility or adjustment which do not lower the stated requirement. There has to be some difference between what is equivalent and what is exact. Apart from that, after a person is provisionally selected, a certain degree of reasonable expectation of the selection being continued also comes into existence.

(Emphasis added)

65. The Apex Court held that there is difference between what is equivalent and what is exact. In this case, the notification contemplates the equivalent degree is eligible for consideration. The Equivalence Committee also declared the relevant degree possessed by the petitioners is equivalent to the degree which is required for appointment to the post and the same was accepted by the Government and issued Government Orders.

66. This Court considered the similar issue in the order dated 21.2.2013 in W.P. Nos. 35061 and 35062 of 2012 and 1923, 1964 and 2039 of 2013. In those cases, the petitioners also applied for the post of Graduate Assistants for the year 2012 pursuant to the notification, dated 7.3.2012 as in this case. They were in possession of B.A. (Applied Tamil) from Bharathidasan University and B.Ed. Some of them were selected and even were issued appointment orders. Those orders were later cancelled. Considering Clause 3 of the notification, dated 7.3.2012 for recruitment to the post of Graduate Assistant, that was extracted above and the aforesaid judgment of the Apex Court reported in Chandrakala Trivedi Vs. State of Rajasthan and Others, , the learned Judge issued directions to the School Education Department of the Government of Tamil Nadu to obtain an opinion of the Equivalence Committee and thereafter take a decision about the appointment of these petitioners.

67. Paragraph 16 of the judgment, dated 21.2.2013 in W.P. No. 35061 of 2012, etc. is extracted hereunder:

16. As per both the prospectus, i.e., for Graduate Assistant and for P.G. Assistant, the question of equivalence cannot be decided by this Court and requires an order of the Government, accepting the recommendation of the Equivalence Committee. But on that score, this Court is not inclined to dismiss the Writ petitions. Since the issue involved in these writ petitions is vitally concerning the petitioners and their future, a solution has to be found.

(Emphasis added)

68. In view of the clause in the notification for appointment to the post of Graduate Assistants and Post Graduate Assistants, the selection of the petitioner would be subject to the result of Equivalence Committee and the decision of the Government thereon.

69. After the order passed by this Court, the Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 recognising that B.A. (Applied Tamil) offered by the Bharathidasan University is equivalent to the B.A. Tamil.

70. The other judgment dated 22.3.2013 in W.P. No. 35131 of 2012 of this court also supports the case of the petitioners. In that case also, the petitioner applied for Graduate Assistant in Botany/Zoology when she studied B.Sc. Plant Biology and Plant Biotechnology from Bharathiyar University. She applied to the post pursuant to the notification, dated 7.3.2012 for TET 2012. The petitioner therein also stands on the same footing of the petitioners herein. She was not selected though she was qualified in the TET examination. The reason for non selection is that her degree in B.Sc. Plant Biology and Plant Biotechnology was considered as equivalent to B.Sc. Botany/Zoology only subsequently on 20.9.2012 in G.O.Ms. No. 268, Higher Education Department, dated 20.9.2012. This Court held that even in 2000, the Government issued G.O.Ms. No. 421, Higher Education Department, dated 27.9.2000 changing the nomenclature of B.Sc. Botany as B.Sc. Plant Biology and Plant Biotechnology and all universities were directed to

adopt the change of nomenclature. Therefore, without even the said G.O.Ms. No. 268, both B.Sc. Botany and B.Sc. Plant Botany and Plant Biotechnology are one and the same. Further, it is also held that since the G.O.Ms. No. 268 was issued the petitioner was qualified for the appointment.

71. Paragraphs 3 to 8 of the judgment, dated 22.3.2013 in W.P. No. 35131 of 2012 are extracted hereunder:

3. By G.O.Ms. No. 421, Higher Education dated 27.9.2000, the Government ordered the change of nomenclature of B.Sc. In Botany, to B.Sc. in Plant Biology and Plant Bio-Technology. All Universities were also directed to adopt the change of nomenclature.

4. The petitioner obtained B.Sc. Degree in Plant Biology and Plant Bio-Technology from Bharathiyar University, Coimbatore.

5. She appeared for the Teacher Eligibility Test and passed the same by securing 90 marks out of 150 marks. However, her application was rejected by the impugned order on the ground that the equivalence of the degree secured by her has not been considered so far.

6. But, by G.O.(1D) No. 268, Higher Education Department, dated 20.9.2012, the Government has recognised B.Sc. Botany, on the basis of the recommendations of the Equivalence Committee, formulated on 06.9.2012 in its 35th meeting. Therefore, the petitioner is entitled to the benefit of the said Government Order.

7. It appears that the respondents had a doubt whether the said Government Order will only have prospective application. But, there is no scope for such a doubt, in view of two things. The first is that what was ordered earlier in the year 2000 was only a change of nomenclature of the course. In other words, the course contents were retained and the label was changed. Therefore, the question of equivalence itself should not have arisen. The second thing is that the Equivalence Committee merely considers what had happened in the past. It is a recognition of one as equivalent to another. It was not an order changing the curriculum of the course for future benefit, to be interpreted to have prospective effect.

8. Therefore, the writ petition is allowed, and the respondents are directed to consider the petitioner as qualified for appointment and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

72. The other judgment dated 11.2.2013 in W.P. No. 2554 of 2013 of this Court also squarely applies to the facts of this case. In that case also, the petitioner applied for the post of P.G. Assistant in English pursuant to the notification dated 28.2.2012. She obtained B.A. English with Computer Applications. She passed M.A. English. She also possessed B.Ed. She was selected and an appointment order dated 12.12.2012 was issued by the Joint Director of School Education

(Higher Secondary). However, by a later communication dated 18.1.2013, the said order was cancelled on the ground that she studied B.A. English with Computer Application, which is not equivalent for the post to which she was appointed.

73. Clause 7 of the advertisement dated 28.2.2012 was considered in paragraph 2 of the judgment, dated 11.2.2013 in W.P. No. 2554 of 2013 and the same is extracted hereunder:

2. It is seen from the prospectus issued by the TRB that for the purpose of considering a candidate as selected, he or she must be in possession of M.A.,/ M.Sc.,/M.com., in the relevant subject with B.Ed., in terms of G.O.Ms. No. 361, School Education Department dated 31.12.1999 and the candidate should have studied the same subject in Bachelors Degree as well as in Masters Degree, both for academic subject as well as language. In para-8 of the prospectus, it was stated that if a candidate claim that the educational qualification in a subject possessed by him is equivalent, though the same is not prescribed for appointment, he has to produce a letter of equivalence issued by the competent authority namely the Government of Tamil Nadu and even in such circumstances, such claim made will be subject to the decision of the equivalence committee constituted by the State Government vide G.O.Ms. No. 451, P&AR Department dated 20.12.1993 and thereafter by the decision of the Government. To the fortune of the petitioner, the State Government has referred the matter for being considered by the equivalence committee. The equivalence committee in its 33rd Equivalence Committee meeting held on 27.03.2012 recommended several subject for being considered as equivalent, one such subject was B.A. English (Computer Application) conferred by Periyar University as equivalent to B.A., English. The State Government accepting the recommendations made by the equivalence committee has issued G.O.Ms. No. 133, School Education (M2) Department, dated 04.06.2012.

74. In that case, the Equivalence Committee held its meeting on 27.3.2012 and recommended that B.A. English Computer Application is equivalent to B.A. English conferred by the Periyar University. The Government accepted the recommendation and issued G.O.Ms. No. 133, School Education Department, dated 4.6.2012. The same is also recorded in paragraph 2 of the order as extracted above, i.e., though G.O.Ms. No. 133 was issued subsequent to the last date of receipt of the application, i.e., 30.3.2012, this court held that there is no impediment for the respondent to appoint the petitioner therein to the post of P.G. Assistant English.

75. Paragraphs 3 and 4 of the judgment, dated 11.2.2013 in W.P. No. 2554 of 2013 are also extracted hereunder:

3. In the present case, with regard to the qualification required for appointment to the post of Graduate Teachers, since the qualification possessed by the petitioner has been considered to be equivalent as B.A. English and the petitioner

also possess M.A., English by the State Government by issuing G.O.Ms. No. 133, School Education Department dated 04.06.2012, as mentioned above, there is no impediment for the respondents to appoint the petitioner to the post to which she was provisionally selected on 12.12.2012.

4. In the light of the above, the impugned order passed by the second respondent on 18.01.2013 is set aside and the writ petition stands allowed. The second respondent is directed to issue appropriate instructions to their subordinates or to the Director of Higher Education to issue posting order to the petitioner based on the provisional order of selection dated 12.12.2012 issued to her by the Joint Director of School Education (Higher Secondary). Such order of posting is directed to be issued by the authorities concerned within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

76. The other judgment in W.P. No. 26724 of 2012, dated 3.10.2012 of this Court is relating to the recruitment for the post of Graduate Assistant in Botany for the year 2010-2011. The petitioner therein was sponsored by the employment exchange for the post of B.T. Assistant Botany. She had a degree in B.Sc. Plant Biology and Plant Biotechnology. After certificate verification pursuant to the sponsorship from the employment exchange, the selection list was published in December, 2011. The selection of the petitioner was withheld on the ground that there was a doubt as to whether B.Sc. Plant Biology and Plant Biotechnology is equivalent to B.Sc. Botany.

77. Subsequently, the Equivalence Committee gave its report that B.Sc. Plant Biology and Plant Biotechnology is equivalent to B.Sc. Botany. Accepting the recommendation, the Government issued G.O.Ms. No. 133, School Education Department, dated 4.6.2012 in this regard. In those circumstances, this court issued a direction to give appointment order to the petitioner based on G.O.Ms. No. 133. Paragraphs 3,4 and 5 of the judgment are extracted hereunder:

3. The learned Special Government Pleader would submit that at the time when the final selection list was published, the matter was pending before the Equivalence Committee and therefore, the petitioner was not given appointment.

4. Having regard to the above fact, I am of the view that since the Government has now declared that B.Sc. (Plant Biology and Plant Bio Technology) is equivalent to B.Sc. (Botany), the petitioner is entitled for appointment as B.T. Assistant. Though the Government Order has been issued subsequently, it does not mean that prior to the issuance of the said Government Order, B.Sc. (Bio Technology and Plant Bio-Technology) was not equivalent to B.Sc. (Botany). It is always equivalent. Therefore, the petitioner is entitled for appointment as B.T. Assistant (Botany).

5. In view of all the above, the Writ Petition is allowed with a direction to the respondents to appoint the petitioner as B.T. Assistant (Botany). In any event, consequential orders shall be passed within a period of eight weeks from the

date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is also closed.

78. In all these cases, the universities issued certificates that the degrees awarded to the petitioners is equivalent to certain degrees that are required for appointment to the posts. Those certificates are enclosed in the typed set of papers.

79. In view of the aforesaid conclusions, I am of the view that the writ petitioners are entitled to succeed.

W.P. No. 7351 of 2012:

80. In this case, the TRB withheld the selection for the post of Graduate Assistant (English). The selection was prior to 2012 and the same was based on the seniority in the employment exchange. It was averred in the affidavit that upto the recruitment for the year 2010, a candidate with B.A. (English Computer Application) was appointed as Graduate Assistant (English). The same was not controverted.

81. Further more, importantly after withholding the selection on a doubt as to whether B.A. English- Computer Application is equivalent to B.A. (English), the Equivalence Committee declared B.A.(English with Computer Application) is equivalent to B.A. (English). The Government, accepting the recommendation, issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013.

82. In view of the same, W.P. No. 7351 of 2012 is allowed and a direction is issued to the first respondent to select and appoint the petitioner as B.T. Assistant in English and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 10578 of 2012:

83. The petitioner passed B.Sc. (Statistics), M.Sc. (Statistics) and B.Ed. (Mathematics). Prior to the year 2012, he was called to appear for certificate verification for recruitment to the post of P.G. Assistant (Mathematics) for the year 2010-2011. He was not selected on the ground that he possessed U.G. and P.G. Statistics.

84. An amendment to the Special rules for the Tamil Nadu Higher Secondary Education Service was made under Article 309 of the Constitution. It was notified in G.O.Ms. No. 337, Education Department, dated 24.2.1986. As per the G.O., M.Sc. Statistics is an alternative qualification for appointment to the post of P.G. Assistant (Mathematics). The said G.O.Ms. No. 337 is enclosed in the typed set of papers.

85. Further more, the Government, accepting the recommendations of the Equivalence Committee, issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declaring that B.Sc. (Statistics) is equivalent to B.Sc. (Mathematics).

86. In view of the G.O.Ms. No. 337 and G.O.Ms. No. 72, W.P. No. 10578 of 2012 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in Mathematics and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. Nos. 33069, 33070, 34139 and 35310 of 2012 and 18980 of 2013:

87. In all these cases, the petitioners were in possession of B.Sc. (Microbiology) and B.Ed. They applied for the post of Graduate Assistant (Science) for the year 2012. They were allowed to participate in the TET examination 2012. All of them were successful in the TET examination for the post of Graduate Assistant (Science). But they were not selected on the sole ground that B.Sc. (Microbiology) is not equivalent to B.Sc. (Botany/Zoology).

88. In fact, the Government issued G.O.Ms. No. 254, P&AR Department, dated 22.10.1998 that B.Sc. (Microbiology) offered by Bharathiyar University is equivalent to B.Sc. (Botany/Zoology) of Bharathiyar University.

89. A Division Bench of this court, by an order dated 6.11.2009 in W.A. No. 1093 of 2009 in A. Amudhavalli Vs. The State of Tamil Nadu, rep by Secretary to Government, Higher Education Department, Secretariat, Chennai and another, held that B.Sc. (Microbiology) is equivalent to B.Sc. (Botany/Zoology), taking note of the G.O.Ms. No. 254. Further, G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declares that B.Sc. Microbiology is equivalent to B.Sc. Botany/Zoology.

90. In view of the above, W.P. Nos. 33069, 33070, 34139 and 35310 of 2012 and 18980 of 2013 are allowed and a direction is issued to the respective respondents in each writ petitions to appoint the petitioner in each writ petition as B.T. Assistant in Science and issue appointment orders within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. Nos. 33090 of 2012 and 15219 of 2013:

91. The petitioners in both writ petitions passed B.Sc. (Mathematics Computer Applications) and B.Ed. They appeared for TET Examination for recruitment to the post of Graduate Assistant (Mathematics). Though they were successful in the examination, they were not selected on the ground that they were in possession of B.Sc. Mathematics with Computer Application, which is not equivalent to B.Sc. (Mathematics).

92. G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declares that B.Sc. (Mathematics Computer Applications) is equivalent to B.Sc. (Mathematics). Hence the petitioners are entitled to succeed.

93. In view of the above, W.P. Nos. 33090 of 2012 and 15219 of 2013 are allowed and a direction is issued to the respective respondents in each writ petitions to appoint the petitioner in each writ petition as B.T. Assistant in Mathematics and issue appointment orders within a period of four weeks from

the date of receipt of copy of this order. No costs.

W.P. No. 33509 of 2012:

94. The petitioner was a graduate in B.Sc. Plant Biology and Plant Biotechnology. He appeared in the TET examination for the post of Graduate Assistant in Botany. Though he was successful in the test, he was not selection on the ground that B.Sc. Plant Biology and Plant Biotechnology is not equivalent to B.Sc. Botany.

95. Pursuant to G.O.Ms. No. 421, Higher Education Department, dated 27.9.2000, the Universities changed the nomenclature of the degree from B.Sc. (Botany) to B.Sc. Plant Biology and Plant Biotechnology. Hence it cannot be now said that B.Sc. Plant Biology and Plant Biotechnology is not equivalent to B.Sc. Botany.

96. This was also considered by this court by an order dated 22.3.2013 in W.P. No. 35131 of 2012 and this Court held that B.Sc. Plant Biology and Plant Biotechnology is equivalent to B.Sc. Botany. Further more, the Government also issued G.O.Ms. No. 133, School Education Department, dated 4.6.2012 that B.Sc. Plant Biology and Plant Biotechnology of the Madras University is equivalent to B.Sc. Botany. Further, G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 also declares that B.Sc. Plant Biology and Plant Biotechnology is equivalent to B.Sc. Botany.

97. In view of the above, W.P. No. 33509 of 2012 is allowed and a direction is issued to the respondents to appoint the petitioner as B.T. Assistant in Botany and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 230 of 2013:

98. The petitioner possessed B.A. Tamil and M.A. Tamil and Indian Literature. She appeared the TET Examination for the post of P.G. Assistant (Tamil) for the year 2011-2012. Though she was successful in the examination, she was not selected on the ground that M.A. Tamil and Indian Literature is not equivalent to M.A. Tamil.

99. As rightly contended by the learned counsel for the petitioner, as early as in the year 1988, the Government issued G.O.Ms. No. 530, P&AR Department, dated 11.10.1988 that M.A. Tamil Indian Literature of Gandhigram Rural Institute is equivalent to the corresponding courses offered in the Universities in Tamil Nadu for the purpose of employment opportunities.

100. Further, G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 also declares that M.A. Tamil Indian Literature is equivalent to M.A. Tamil.

101. In view of the above, W.P. No. 230 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in Tamil and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 7386 of 2013:

102. The petitioner possessed B.A. English and M.A. English and Comparative Literature. The petitioner applied for the TET Examination for the post of P.G. Assistant in English and wrote the examination. Though he was successful in the examination, he was not selected on the ground that M.A. English with Comparative Literature is not equivalent to M.A. English.

103. The Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declaring that M.A. English with Comparative Literature is equivalent to M.A. English.

104. In view of the above, W.P. No. 7386 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in English and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 12690 of 2013:

105. The petitioner passed B.Sc. Physics, B.Ed, M.A. English and thereafter B.A. (English). The petitioner appeared for TET examination for the post of P.G. Assistant in English in 2012. Though he was successful, he was not selected on the ground that he obtained B.A. English after the P.G. Degree in M.A. English. He obtained degree in reverse order.

106. One can join M.A. English after doing Science subject in the degree level. However, the petitioner also did B.A. (English) after got the P.G. Degree in M.A. English. Hence the respondents are not correct in declining the selection and appointment of the petitioner as P.G. Assistant in English. The petitioner cannot be treated as less competent than the person with B.A. (English) and M.A. (English) degree.

107. This court by an order dated 23.1.2013 in W.P.(MD) Nos. 16101 of 2012 and 1132 of 2013 [Mrs. J. Rathiga Vs. The State of Tamil Nadu, represented by its Principal Secretary] and by an order dated 12.8.2013 in W.P. No. 21552 of 2013 [R. Vijayachitra Vs. The Secretary to Government of Tamil Nadu, Education Department, Fort St. George, Chennai and another] has held that obtaining degree in reverse order cannot make a person ineligible.

108. In view of the above, W.P. No. 12690 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in English and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 15762 of 2013:

109. The petitioner passed was in possession of B.Sc. Statistics and B.Ed. She appeared for certificate verification. But her selection was withheld on the ground that B.Sc. Statistics is not equivalent to B.Sc. Mathematics.

110. The Government issued G.O.Ms. No. 133, School Education Department, dated 4.6.2012 that B.Sc. Statistics is equivalent to B.Sc. Mathematics.

111. Further, the Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declaring that B.Sc. Statistics is equivalent to B.Sc. Mathematics.

112. In view of the above, W.P. No. 15762 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as B.T. Assistant in Mathematics and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 19333 of 2013:

113. The petitioner possessed B.Sc. Chemistry, M.Sc. Polymer Chemistry, B.Ed. and also M.Ed. She was sponsored through employment exchange for the post of P.G. Assistant in Chemistry. She was called for certificate verification. She was not selected on the ground that M.Sc. Polymer Chemistry is not equivalent to M.Sc. Chemistry.

114. The Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declaring that M.Sc. Polymer Chemistry is equivalent to M.Sc. Chemistry.

115. In view of the above, W.P. No. 19333 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in Chemistry and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 20988 of 2013:

116. The petitioner passed B.Sc. Chemistry, M.Sc. Inorganic Chemistry and B.Ed. She was called to appear for certificate verification for selection to the post of P.G. Assistant in Chemistry. But her result was withheld.

117. The Government issued G.O.Ms. No. 165, School Education Department, dated 4.7.2012 stating that M.Sc. Inorganic Chemistry is equivalent to M.Sc. Chemistry. Further, the Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declaring that M.Sc. Inorganic Chemistry is equivalent to M.Sc. Chemistry.

118. In view of the above, W.P. No. 20988 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in Chemistry and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs.

W.P. No. 21173 of 2013:

119. The petitioner possessed B.A. Economics, M.A. Applied Economics and B.Ed. The employment exchange sponsored his name for the post of P.G. Assistant (Economics). He appeared for certificate verification. But he was not selected on

the ground that equivalence G.O was not produced.

120. The Government issued G.O.Ms. No. 72, Higher Education Department, dated 30.4.2013 declaring that M.A. Applied Economics is equivalent to M.A. Economics.

121. In view of the above, W.P. No. 21173 of 2013 is allowed and a direction is issued to the respondents to appoint the petitioner as P.G. Assistant in Economics and issue appointment order within a period of four weeks from the date of receipt of copy of this order. No costs. In the light of the above, all the writ petitions are allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.
