
(2011) 04 MAD CK 0052

In the Madras High Court

Case No : Writ Petition No. 5001 of 2011 and M.P. No. 1 of 2011

T. Selva Mohan

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 07-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0052

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : N. Manokaran, for the Appellant; A. Suresh, G.A., for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—Heard Mr. N. Manokaran, learned counsel for the Petitioner and Mr. A. Suresh, learned Government Advocate

appearing for the Respondents.

2. The Writ Petition is filed by the Petitioner seeking for a direction to the Respondents to appoint him to the post of Lecturer in Zoology in the

existing or future vacancy by treating his qualification obtained in Ph.D. Micro Biology as equivalent to that of Ph.D. Zoology by considering his

representation dated 11.9.2009.

3. When the matter came up on 2.3.2011, this Court directed private notice to be issued. On such notice, the learned Government Advocate

produces a written instruction from the Member Secretary, Teachers Recruitment Board dated 23.3.2011. In that communication, the Member

Secretary informed the learned Government Pleader that since the Petitioner had obtained Ph.D in Micro Biology instead of Zoology, the Teachers

Recruitment Board by letter dated 18.11.2009 had addressed the Director of

Collegiate Education and sought for clarification regarding the equivalence of Ph.D obtained in the inter disciplinary subjects by some candidates including the Petitioner. Thereafter, the letter reads as follows:

But the Director of Collegiate Education, Chennai 6 vide in her letter No. 46739/D5/09 dated 18.8.2010 has furnished equivalence certificate on

behalf of the 2 candidates only, namely Dr. P. Sekar and Dr.(Mrs.) R. Bhuvaneswari from the Registrar, University of Madras. Based on the

equivalence certificate, the result of P. Sekar with Roll No.C07130051 was published. The Board could not publish the result of the writ Petitioner

in the absence of clarification from the Director of Collegiate Education, Chennai 6.

4. The learned Government Advocate also pointed out that the Director of Collegiate Education had already addressed a communication to the

University of Madras on 16.12.2009 asking for their expert advice regarding the equivalence of the certificates obtained by various candidates.

5. In the present case, the admitted facts are as follows:

(a) The Petitioner had applied for the post of College Lecturer under the Tamil Nadu Collegiate Service for which selections were made by the 3rd

Respondent Teachers Recruitment Board. In respect of the Government Arts and Science Colleges for the year 2008, 1195 posts were sought to

be filled up by direct recruitment and accordingly 1083 posts were filled up. In respect of 5 candidates, since the degrees obtained by them were

not directly referable to Zoology, their selection was withheld until getting further clarification on the said issue.

(b) In the letter dated 17.11.2009, the Teachers Recruitment Board mentioned the names of 5 candidates. However, in the present case, this

Court is only concerned with one candidate by name P. Sekar, who obtained M. Phil in Life Science from Manonmaniam Sundaranar University

and he had also obtained Ph.D in Micro Biology from Periyar University. In respect of the said P. Sekar, it is now claimed that the equivalence

certificate was obtained from the University and his result was published and he has also been appointed as a Lecturer in Zoology. But, in the case

of the Petitioner, who also has M.Sc. Zoology and Ph.D Micro Biology from Manonmaniam Sundaranar University, equivalence certificates are

yet to be obtained.

6. It is rather unfortunate that the communication sent on 17.11.2009 is yet to be acted upon by the parties concerned and more than one year and four months have elapsed since the date of said communication. The Petitioner's challenge continues to remain uncertain and no expeditious steps have been taken by the parties in finding out the equivalence of Ph.D in Micro Biology obtained by the Petitioner. It is also not rather clear as to why the Teachers Recruitment Board must address to the Director and the Director in turn only consult the University of Madras, when in the State of Tamil Nadu, there are several other Universities, which have also been established by the State. In fact in the earlier occasion, when such a controversy came between the Certificate issued by Bharathidan University and Madras University, this Court found that in the tug of war between the two different Universities, it is unlike one University will be competitive with reference to evaluating the Certificate of other University despite the fact that both Universities were constituted by the Act of State Legislature. Therefore, this Court felt that in such matters the Respondents are not helpless as statutorily the State Government had established the Tamil Nadu State Council for Higher Education vide Act 40 of 1992 and the said TANSCHIE is statutorily mandated to render such advice to the State Government on all academic matters referred to it for its opinion. But, in the present case, this Court do not propose to send for such query to the Teachers Recruitment Board on the basis that since the Respondents have found that Ph.D in Micro Biology obtained by Mr. P. Sekar from Periyar University shall be considered to be equivalent for the purpose of appointment as a Lecturer in Zoology in Government Arts and Science Colleges. It is unnecessary that there may be any other information in respect of Ph.D in Micro Biology given by Manonmaniam Sundaranar University, which is a University established even before Periyar University. Considering the fact one year and four months have elapsed, the Respondents have not attempted to secure any such clarification, this Court is constrained to allow the Writ Petition and to direct the Respondents to treat the Ph.D Micro Biology from Manonmaniam University obtained by the Petitioner is eligible for appointment to the post of Lecturer in Zoology for all purpose and grant an appointment order to the Petitioner within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is allowed. No costs. The

connected Miscellaneous Petition is closed.