

M.Manohar and ors. Vs. the State of Tamil Nadu and ors.

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SooperKanoon Citation : sooperkanoon.com/910194

Court : Chennai

Decided On : Feb-04-2011

Judge : Vinod K.Sharma, J.

Acts : University Grants Commission Act 1961 - Section 3; [Right to Information Act \(RTI\) 2005](#)

Appeal No. : W.P.Nos.10847, 10940, 10946, 10989, 11396, 12725, 12739, 13039, 14603, 14612, 15954, 16149, 18937, 18946, 19141, 20611 and 20846 of 2010 and W.P.Nos.11124, 11235, 15891, 18456, 22051 of 2010

Appellant : M.Manohar and ors.

Respondent : The State of Tamil Nadu and ors.

Advocate for Def. : Mr.G.Sankaran And Ors.

Advocate for Pet/Ap. : Mr.R.Yashodvaradhan; Mr.K.Chandrasekaran; M/s.N.Balaji; K.Kannan, Advs.

Judgement :

COMMON ORDER

1. As the common question of law and facts are involved in all these writ petitions, common order is being passed. For the sake of brevity, facts have been taken from W.P.No.10847 of 2010.

2 The petitioners in all these writ petitions are Secondary Grade teachers working in various schools in the State of Tamilnadu. The petitioners in order to acquire higher educational qualification applied to the District Educational Officer in the district and the teachers employed in Corporation Schools applied to the Educational Officer of the Corporation for permission to join in the Distance Education Course called the Distance mode conducted by SASTRA University, Tanjavur. SASTRA University is a Deemed University recognised by University Grants Commission in the year 2001. The University is also approved by the National Council for Teachers Education (NCTE). The Southern Regional Committee of NCTE in 131st meeting held on 11.04.2007 also granted conditional recognition for awarding the degree of B.Ed. Distance Education.

3. The petitioners applied for permission to pursue their course in distance education by specifically mentioning the name of the institution in the application. The application form had a column for disclosing as to whether the institution which conducted District Education has got approval of statutory authority.

4. The case of the petitioners is that the authorities gave permission, only after satisfying themselves with regard to degree awarded by the SASTRA University.

5. It is pleaded case of the petitioners that Southern Regional Committee of NCTE in its website disclosed that SASTRA University is a recognised University. In addition to the Distance Education courses by SASTRA University, various other Universities in Tamilnadu are also conducting such Distance Education in B.Ed.

6. In pursuance to the permission granted by the competent authority, the petitioners undertook two years course. The syllabus prescribed for the degree of B.Ed. is one prescribed and following by Indira Gandhi National Open University (IGNOU). The SASTRA University is also recognised by the Distance Education Council of Indira Gandhi National Open University.

7. The case of the petitioners is that the SASTRA University had got approval from all statutory bodies for conducting B.Ed. Course (Distance Education mode). The petitioners have also undergone personal contact programme conducted by the SASTRA University and therefore the petitioners claim to have a valid Bachelor of

Education (B.Ed.) degree.

8. The pleaded case of the petitioners is that on receipt of B.Ed. Degree, they applied through proper channel to the Director of School Education to enter their educational qualification in their respective Service Registers.

9. On 10.01.1969, State of Tamil Nadu issued G.O.Ms.No.42 for grant of incentive payment and increments to teachers in schools who acquire higher educational qualifications. In the G.O., teachers were categorized as Secondary or Senior Basic Grade teachers, and on attaining higher educational qualifications, these teachers were to be given incentive as applicable to B.T. or B.Ed. teachers. In addition, there were seven other categories for which incentives were granted on attaining higher educational qualifications.

10. In addition, in G.O.Ms.No.42, other categories are also shown which are entitled to incentives on attaining respective higher educational qualification.

11. The case of the petitioners is that even in the year 1969, on acquiring qualification of B.T. or B.Ed. teacher was entitled to incentives and increments.

12. The case of the petitioners is that as the SASTRA University is in Tamilnadu and the petitioners have obtained higher educational qualifications, they are entitled to the benefit of G.O.Ms.No.42.

13. It is also pleaded in the affidavit that Regional Director of NCTE had affirmed the competency of SASTRA University to conduct Distance Education in B.Ed. Course. The Regional Director of NCTE had recognised the B.Ed. Degree granted by the SASTRA University to be equivalent to the degree granted by the Madras University, Bharathidasan University, Madurai Kamaraj University, etc. in Tamil Nadu. The petitioner therefore claims that on acquiring qualification of B.Ed. degree from SASTRA University, they are entitled to the grant of incentives and increment as per G.O.Ms.No.42 as modified from time to time.

14. It is also pleaded that for promotion of teachers all over Tamil Nadu, a panel of names is prepared, published and counseling is conducted by the Director of School Education at various places, the persons who acquire higher qualifications

are entitled to be in panel for consideration of promotion.

15. The case of the petitioner is that even though the petitioners have passed out from recognised University and obtained valid degree in B.Ed., their qualification has not been entered in the Service Register and accordingly, they have been denied incentives and increments, nor their names have been included in the panel for promotion, by treating them not having a recognised degree of B.Ed.

16. The petitioners pleaded that though some of the persons similarly situated had been granted benefit of B.Ed. qualification, but the petitioners have been denied, thereby petitioners are being discriminated viza viz. with similarly situated persons.

17. The petitioners have also pleaded that the respondents are estopped by their conduct to deny recognition of B.Ed. degree as the department after having satisfied itself, permitted the petitioners to undergo the study which they have undergone, therefore the department now cannot deny the benefit accruing from the degree of B.Ed.

18. The petitioners in support of the case have placed reliance on the judgment of this Court in W.P.No.292, 870 and 890 of 2010 filed by similarly situated teachers. The plea of legitimate expectation is also raised.

19. The case of the petitioners is that on awarding B.Ed. Degree, by the SASTRA University specific representations were made for entry of higher educational qualifications in the Service registers, but no action has been taken by the respondents, nor the petitioners have been granted benefit of incentives and increments nor their names have been included in the panel for promotion, etc.

20. On the facts pleaded herein above, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the second or the third respondent respectively, to give all benefits to the petitioners as applicable to the B.T. Assistants, and also to include their educational qualifications in Service Register and grant of incentives and increments and other consequential benefits flowing therefrom.

21. The respondents contested the writ petitions by filing counter. The stand taken in the counter is that mere Deemed University status by the University Grants Commission, or conditional recognition by the Southern Regional Committee of NCTE to the SASTRA University, Tanjavur, cannot be a ground for granting recognition to degree by the State Government.

22. The stand of the respondents is that the procedure prescribed by the State Government is to be followed and it is thereafter, that the degree granted by the University can be recognised for purpose of appointment/promotion, etc.

23. The stand of the respondent is that the B.Ed. Degree of the petitioners is from a University which is not recognised by the Government.

24. It is also the stand taken in the counter that B.Ed. Degree awarded by Indira Gandhi National Open University, New Delhi was treated by the State as equivalent to the B.Ed. Degree awarded by the Universities of Tamil Nadu for the purpose of appointment and promotion, only after the proposal was approved by the Educational Equivalence Committee constituted for the purpose by the Tamil Nadu Public Service Commission vide G.O.Ms.No.160 School Education (M2) Dept. dt.2.12.2004.

25. The stand taken in the counter further is that request has already been made to seek the recommendation of the Educational Equivalence Committee with regard to the eligibility of B.Ed. and other degrees awarded by the SASTRA University through Distance Education mode. It is only after such recommendation is received and approved that the petitioners can be considered for grant of benefits under G.O. But as on date, for want of recommendation by the Educational Equivalence committee, and approved by Government, the petitioners are not entitled to the relief claimed.

26. In view of the pleadings referred to above, the question for the determination in these writ petitions is:-

"Whether B.Ed. Degree (Distance Education mode) awarded by the SASTRA University can be said to be a degree duly recognised by the State Government as

equivalent to the B.Ed., entitling the petitioners to claim benefits of higher educational qualifications under G.O.Ms.No.42 and Service Rules ?"

27. In support of the question, the learned counsel for the petitioners placed reliance on the judgment of this Court in W.P.No.292, 870 and 890 of 2010 decided on 8.3.2010 (R.Saravanan, P.S.Ramanan and D.Vijaykumar v. The Director, Elementary Education and others)

28. The petitioners in these writ petitions had sought a writ in the nature of mandamus directing the respondents to enter their additional qualification of B.Ed. Degree conferred by the SASTRA University, in the Service Registers as per the representation made to the District Elementary Educational Officer, and to grant of other benefits applicable to the petitioners.

29. The writ petitions were allowed by this Court by observing as under:

"7. I have given my careful and anxious consideration to the rival contentions put forward by either side and also perused the entire materials available on record including the counter filed by the third respondent herein.

8. The crux of the question involved in this matter is to the affect that whether the petitioners are entitled to seek the relief of entering their additional qualification, viz., obtaining B.Ed., degree from the third respondent University in their Service registers.

9. The undisputed fact remains that all the three petitioners are qualified Secondary Grade Teachers and they have also obtained additional qualification of B.Ed., degree from the third respondent University. As far as the third respondent University is concerned, it is pertinent to note that the B.Ed., course offered by the said University is already recognised and approved by the National Council for Teacher Education and the Distance Education Council of IGNOU. It is also seen that the third respondent University further recognised and approved by the University grants Commission. Such being the position, this Court is of the considered view that there is absolutely no legal impediment for the respondents 1 and 2 to give the benefit of entering the additional qualification obtained by the

petitioners, viz., B.Ed., from the third respondent University in their Service registers. Though the third respondent filed a counter to these petitions categorically stating that they are the Deemed University and the courses offered by the University are recognised and approved by the competent authorities, the respondents 1 and 2 stated in their counter that the B.Ed. Course offered by the third respondent University has not been included in the approved list of the State Government and the first respondent has sent a proposal to the Government for consideration as per the office letter No.2599/M1/2009 dated 28.10.2009.

10. In view of such admitted position, this Court is of the considered view that there should not be any discrimination between the petitioners and other similarly placed candidates from other educational districts and there is absolutely, no justification for returning the applications of the petitioners sacking for the relief of entering their additional qualification in their Service registers.

11. For the abovesaid reasons, this Court is constrained to direct the respondents 1 and 2 to enter the additional qualification of B.Ed. Degree of the petitioners as conferred by the third respondent to them in the petitioners service registers in pursuance to the representation made to the second respondent dated 7.12.2009. it is made clear that the above said exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. With the above direction, these petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs."

30. It was also the contention of the learned counsel for the petitioners that SASTRA Univesity became a University in April 2001 under Sec.3 of the University Grants Commission Act 1961 and therefore is a Deemed University functioning within the territory of Tamilnadu. The SASTRA University is also following the syllabus prescribed by the Indira Gandhi National Open University which is duly recognised. Therefore, there is no justification whatsoever to deny the claimed benefit to the petitioners, by alleging that SASTRA University is yet to be recognised by the State Government.

31. The learned counsel for the petitioners in support of the question, also placed reliance on G.O.Ms.No.180 dated 11.9.2010 which reads as under:

"Employees and Administrative Reforms Department (R)

G.O.No.180 Dated 11.09.2010

Is read

Ref: 1. Letter No.31835/98/99 dated

27.99 from The Deputy General

Manager of Tamilnadu State Chief

Coperative Bank.

2. Letter nO.9931/RND-F1/ dated

25.05.2005 of the Secretary of

Tamilnadu Government Public

Service Commission.

ORDER

The Deputy General Manager of Tamilnadu State Chief Cooperative Bank has written a letter to the Education Secretary asking for clarification about the recognition of degrees issued by various Universities. The degrees and post graduate degrees issued by Madurai Kamarajar University, Madurai and Annamalai University, Chidambaram through Open University system are treated on par with the degrees and post graduate degrees through Regular Stream. They are rcognized for purposes of appointment in Subordinate Service in Tamilnadu. The degres and Post Graduate Degrees issued by the University of Madras, Bharthiar University, Bharathidhasan University and Manonmaneeyam Sundaranar University, Thirunelveli under Open University system are not given due recognition for purposes for appointment in Public Service in Government of Tamilnadu. He has prayed for the release of a specific G.O. Or clarification from the Government of Tamilnadu.

2. The G.O.No.441, released on 20.12.93 by the Department of Employees and Administrative Reforms has appointed a Committee with Chairman of the Tamilnadu Public Service Commission as the Chair Person to go into the prayer of Deputy General Manager of the Tamilnadu State Chief Cooperative Bank for recommendations.

3. The committee met on 3.5.2000. The matter was discussed in the committee. It has recommended after careful scrutiny to recognize the degrees diplomas and post graduate degrees issued by Universities in Tamilnadu under Open University system on par with the degrees, diplomas, and post graduate degrees through regular stream. The recommendation was submitted and forwarded to the Government of Tamilnadu for approval.

4. The Government of Tamilnadu after serious discussion has decided to accept the recommendations of the committee with the Chairman of Tamilnadu Public Service Commission as Chair person and passed order. The Universities in Tamilnadu which are recognized by the University grants commission are conducting degrees, diplomas, and post graduate programmes under Open University system. These degrees diplomas and Post graduate degrees under Open University system are recognized for purpose of appointment in Tamilnadu Public Service on par with the degrees diplomas and post graduate degrees under regular stream."

32. The learned counsel for the petitioners thereafter placed reliance on the notification issued by the University Grants Commission declaring that SASTRA University is a Deemed University. The notification reads as under:

"UNIVERSITY GRANTS COMMISSION BAHADUR SHA ZAFAR MAG.

NEW DELHI 110 001.

F.6-8/2000(CPP-I) 15.06.2001

NOTIFICATION

In exercise of the powers conferred by Section 3 of the University Grants Commission Act, 1956 (3 of 1956) the Central Government on the recommendation of the Commission vide its Notification No.F.9-7/98-U-3 dated 26th April 2001 has declared the Shanmugha Arts, Science, Technology & Research Academy (SASTRA), Thanjavur as Deemed to be University for the purpose of the aforesaid Act with effect from 26th April 2001."

33. In addition, the learned counsel for the petitioners also placed reliance on the letter of University Madras, declaring B.Ed. Degree of the SASTRA University to be equivalent to the degree awarded by the University of Madras. One of the letter issued by the University of Madras reads as under: UNIVERSITY OF MADRAS

Centenary Building, Chepauk, Chennai 600005

(Established under the Act of Incorporation XXVII of 1857 Madras University Act 1923)

(State University)

OFFICIAL COMMUNICATION No.C & R III/E11/Recogn/Equi/B.Ed./2009/1196 25
AUG 2009

Sub: Issue of certificate regarding B.Ed. Degrees in Social Studies awarded by SASTRA University is equivalent to this University reg.

Ref: His request dated 08.08.2009.

He is informed that B.Ed., degree in Social Studies awarded by SASTRA University, Thanjavur has been recognized as equivalent to the corresponding degree of this University, provided he has passed the said degree after undergone 10+2+3+1 (or) 11+1+3+1 pattern of study and subject to condition that the NCTE and the Distance Education Council (DEC) should have approved the course for the purpose of appointment, promotion, registration in the employment exchange,

etc. based on the attested copies of the certificates submitted to this office."

34. The contention of the learned counsel for the petitioners therefore, is that once University has been duly recognised by the University Grants Commission as well as NCTE and also by the Government, there is no justification with the respondent to refuse the relief claimed, especially in view of the judgment of this Court in the case of P.Saravanan, P.S.Ramanan and D.Vijayakumar v. The Director, Elementary Education (supra).

35. The learned counsel for the State on the other hand vehemently contended that vide G.O.Ms.No.441 dated 20.12.1993, a Committee has been constituted under The Chairman, Tamil Nadu Public Service Commission, for recommendation of the courses to the Government for its recognition .

36. The learned counsel for the respondents placed reliance on the letter dated 25.01.2010 vide which a Joint Educational qualification Evaluation Commission was requested to offer its recommendation regarding B.Ed. Degree issued by SASTRA University so as to enable the Government to issue G.O. for recognition and approval of B.Ed. Degree of SASTRA University. Copy of the letter reads as under: "Department of School Education,

Secretariat, Chennai 9.

Lr.No.35830/M2/2009-3 dated 25.01.2010

From

Thiru N.Rajendiran, B.Sc.,

Govt. Joint Secretary,

To

The Secretary,

Tamilnadu Govt. Employees Commission,

Chennai 2 (With Annex).

Sub: Thanjavur SASTRA University Distance Education B.Ed., degree Appointment/Promotion/ Incentives Recognition Acceptance and Eligibility As per the Right to Information Act 2005 under which G.O. and information submitted reg. Ref: Director of Elementary Education R.C. No.22599/M1/2009, dated 28.10.2009.

With reference to the letters mentioned above, enquiry letters were received by our office with regard to the eligibility and recognition of Thanjavur SASTRA University's Distance Education B.Ed. Degrees from persons under Right to Information Act 2005. The persons have asked for clarification whether B.Ed. (Distance mode) issued by SASTRA is eligible for incentive increments, promotion as graduate teachers and appointment in Tamilnadu Subordinate Service. The Trichy District Elementary Education Officer also requested the Elementary Education Director to issue G.O. for granting promotion and incentives for the teachers who obtained B.Ed degree from Thanjavur SASTRA University. They are very particular about the release of specific G.O. for Government Recognition of Thanjavur SASTRA University B.Ed. Degree through Distance mode. The degrees, Postgraduate degrees and diplomas awarded by the Annamalai Open University are treated on par with to the formal education degrees and they are recognized by the Government for the Employment in Subordinate Service as per the G.O.No.216, Employees and Administrative Reform (R) Department, dated 26.08.97. The aforesaid G.O. Has been issued since Jan. 2000 to B.Ed., degrees awarded by Indira Gandhi National Open University, New Delhi. These degrees have been recognized and considered as equal to the Tamilnadu Universities B.Ed. Degrees and they are eligible for Employment Tamilnadu Subordinate Service and promotion as per the G.O.No.129, Department of School Education (M2) dated 8.7.2005. The aforesaid G.O. Has been issued and it has recognized the B.Ed. Of IGNOU (as STATED IN THE G.O. No.160, Dept. of School Education (M2) dated awarded by Indira Gandhi University, Coimbatore are being considered as not eligible for the appointment of Graduate Teachers and for incentive increments. The said Indira Gandhi Education Research and Higher Education Institution, Coimbatore has not been found in the recognized University list issued by the University Grants Commission and thereby the University's plea

for granting incentives for their B.Ed. Degree had been turned down. The matter was informed to the concerned individual as per the letter RC.No.33474/G2/2008-1, dated 11.11.2008. The Director of Distance Education, SASTRA University has submitted a letter by stating the following points.

1. B.Ed degree offered by the SASTRA University Distance Education has been included in the University Grants Commission's 22nd part and National Council for Teacher Education approved and degree course offered by the University.

2. The National Council for Teacher Education, Bangalore has clearly stated that getting permission to conduct B.Ed course from the State Government is not mandatory. The Joint Secretary of Tamilnadu Government in his letter No.19933/E1/2008-1 dated has stated that No objection Certificate from the State Government is not essential to start B.Ed/M.Ed. Programme.

3. The Registrar Madras University has issued a letter stating that the SASTRA University B.Ed. Degree, is equal to the Madras University B.Ed. Degree provided it is approved and recognized by National Council for Teacher Education, Bangalore.

4. Further information about the SASTRA University may be obtained from the National Council of Teacher Education website namely www.ncte.in.org.

5. If SASTRA University's Distance Education B.Ed degree has got due recognition and approval from the NCTE, then the awardees are eligible to get appointment as Assistant Educational Officer. This has been stated in the letter dated 27.07.2009 by the additional member of Teacher recruitment Board, Chennai.

6. The Director of Distance Education of SASTRA University, Thanjavur in his letter stated that B.Ed degree awarded by the SASTRA University is equal to the B.Ed. Degrees of other Universities of Tamilnadu. He requested to consider the B.Ed. Of SASTRA as equivalent to the B.Ed of Madras University. He has sent relevant documents to substantiate his statement. The Registrar's letter of the University of Madras, the letter of the Additional Member Teacher Recruitment

Board are duly attached by the Director of Distance Education, SASTRA University for reference. The Director of Distance Education of SASTRA University, Thanjavur has requested the Tamilnadu Government to recognize B.Ed. Degree through Distance Mode and treat the degree on par with the degree issued by the University of Madras. He further requested the Govt. to grant incentive increments and promotion to teachers and appoint them as graduate teachers in Government Subordinate Service. Under the Circmstances, the Joint Education qualification Evaluation Commission is requested to offer its recommendations regarding the B.Ed. Degree issued by SASTRA University, Thanjavur which will facilitate the Government of Tamilnadu to release G.O. for recognition and approval of B.Ed. Degree of SASTRA University."

37. The contention of the learned counsel for the respondents is that till B.Ed. Degree is recognised by the State Government on recommendation of Joint Education qualification Evaluation Commission, the petitioners cannot claim benefits under the said degree.

38. The learned counsel for the State in support of the contention, placed reliance on the judgments of the Hon'ble Supreme Court in the case of

(i) State of Rajasthan and others v. Lata Arun ((2002(6) SCC 252), wherein the Hon'ble Supreme Court was pleased to lay down as under:

"10. The points involved in the case are twofold: one relating to prescription of minimum educational qualification for admission to the course and the other relating to recognition of the Madhyama Certificate issued by the Hindi Sahitya Sammelan, Allahabad as equivalent to or higher than +2 or 1st year of TDC for the purpose of admission. Both these points relate to matters in the realm of policy decision to be taken by the State Government or the authority vested with power under any statute. It is not for courts to determine whether a particular educational qualification possessed by a candidate should or should not be recognized as equivalent to the prescribed qualification in the case. That is not to say that such matters are not justiciable. In an appropriate case the court can examine whether the policy decision or the administrative order dealing with the matter is based on a fair, rational and reasonable ground; whether the decision has been taken on

consideration of relevant aspects of the matter; whether exercise of the power is obtained with mala fide intention; whether the decision serves the purpose of giving proper training to the candidates admitted or it is based on irrelevant and irrational considerations or intended to benefit an individual or a group of candidates.

13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority." (ii) *Guru Nanak Dev University Vs Sanjay Kumar Katwal and another* ((2009)1 SCC 610) wherein the Hon'ble Supreme Court was pleased to lay down as under: "15. The first respondent has passed his MA (OUS) from Annamalai University through distance education. Equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. The first respondent has not been able to produce any document to show that the appellant University has recognised MA (English) (OUS) of Annamalai University through distance education as equivalent to MA of appellant University. Thus, it has to be held that the first respondent does not fulfil the eligibility criterion of the appellant University for admission to the three year law course.

16. The first respondent made a faint attempt to contend that the distance education system includes correspondence courses and therefore, recognition of MA (correspondence course) as equivalent to MA course of the appellant University would amount to recognition of MA, OUS (distance education) course, as an equivalent. For this purpose, he relied upon the definition of distance education system in Section 2(e) of the Indira Gandhi National Open University Act, 1985. But there is nothing to show that Annamalai University has treated correspondence course and OUS (distance education) course as the same. What is more important is that the appellant University does not wish to treat the correspondence course and distance education course as being the same. That is a matter of policy. Courts will not interfere with the said policy relating to an

academic matter." (iii) Basic Education Board, U.P. v. Upendra Rai and others ((2008)3 SCC 432), wherein the Hon'ble Supreme Court was pleased to lay down as under:

"15. Grant of equivalence and/or revocation of equivalence is an administrative decision which is in the sole discretion of the authority concerned, and the court has nothing to do with such matters. The matter of equivalence is decided by experts appointed by the Government, and the court does not have expertise in such matters. Hence it should exercise judicial restraint and not interfere in it."

39. The contention of the learned counsel for the respondents therefore was that in view of the settled law by the Hon'ble Supreme Court, it is not within the jurisdiction of this Court to direct recognition of B.Ed. Course of SASTRA University to be equivalent to the degree conferred by other Universities for approval/recognition by the State Government.

40. On consideration, I find force in the contention raised by the learned counsel for the petitioners. It is not a case where the petitioners are seeking a writ of mandamus for declaring the degree obtained by the petitioners to be equivalent to the B.Ed. Degree of other universities or to recognise the degree as approved degree for purpose of appointment/promotion etc.

41. The petitioners in the writ petitions have prayed for grant of benefits under G.O.Ms.No.42 as amended from time to time on awarding a degree of B.Ed. from SASTRA University which is duly recognised.

42. This Court in the case of R.Saravanan, P.S.Ramanan and Vijayakumar v. The Director, Elementary Education (supra), held that the degree of B.Ed. from SASTRA University is duly recognised for grant of benefit under G.O.Ms.No.42.

43. It may be noticed that vide G.O.Ms.No.180 dated 11.11.2009 decision has also been taken by the Government of Tamil Nadu which reads as under:

"4. The Government of Tamilnadu after serious discussion has decided to accept the recommendations of the committee with the Chairman of Tamilnadu Public Service Commission as Chair person and passed order. The Universities in

Tamilnadu which are recognized by the University grants commission are conducting degrees, diplomas, and post graduate programmes under Open University system. These degrees diplomas and Post graduate degrees under Open University system are recognized for purpose of appointment in Tamilnadu Public Service on par with the degrees diplomas and post graduate degrees under regular stream."

44. The reading of this order would show that the Universities in Tamilnadu which are recognised by the University Grants Commission are duly recognised for the purpose of appointment in Tamilnadu Public Service Commission on par with the degrees, diplomas and Post Graduate degrees under regular stream.

45. The notification of the U.G.C. further shows that SASTRA University is duly recognised by the U.G.C. and therefore, it cannot be said that B.Ed. Degree awarded by SASTRA University is not recognised by the State Government as alleged.

46. In view of the G.O.Ms.No.180, it was not necessary for the State Government to again referred the matter to Joint Education qualification Evaluation Commission, nor it is necessary to await for such recommendation for recognising the degree of the petitioners, as it would be deemed to have been duly recognised in view of G.O.Ms.No.180 dated 11.09.2010 read with University Grants Commission's Notification issued in exercise of power under Sec.3 of University Grants Commission Act.

47. In addition thereto, the degree granted to the petitioners is recognised as equivalent to the degree granted by University of Madras, as disclosed in the letter referred to above and is also recognised by NCTE.

48. The judgments of the Hon'ble Supreme Court on which strong reliance was placed by the learned counsel for the respondents is of no help, as this Court is not to declare the B.Ed. Degree of SASTRA University to be equivalent, because, the State Government has already recognised the degree of the petitioners to be equivalent for the purpose of appointment.

49. Not only this, even Rule 19 of the Tamilnadu Subordinate Service Rules recognizes the degrees and diplomas conferred by the University or institution recognised by the U.G.C. to be a recognised qualification. Rule 19 of Tamilnadu Subordinate Service Rules reads as under: "19. Special qualifications--No person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof unless he (a) possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the Special Rules; or

#(b) possesses such other qualifications as have been declared to be higher than or equivalent to the said special qualifications or special tests

(i) by the State Government in consultation with the Committee constituted under the Chairmanship of the Chairman, Tamil Nadu Public Service Commission for the purpose, in cases where the appointment has to be made in consultation with the Commission; and (ii) by the State Government or by the appointing authority with the approval of the State

Government in other cases.

#Substituted in G.O.Ms.No.226, P&AR; dated 18.08.1994 w.e.f. 18.08.1994.

Explanation -(i) In cases where the Special Rules Prescribed a degree or diploma as a qualification, then a degree or diploma granted by any of the Universities or Institutions recognised by the University Grants Commission for the purpose of its grant mentioned in Schedule II to this part shall be recognised as the qualification.

(ii) In cases where the Special Rules prescribe a diploma in a particular subject as qualification then a degree in that subject should be deemed to be a higher qualification. #{ (iii) In cases where the Special Rules prescribe a period of practical or other experience in addition to educational/technical qualifications, for an appointment such a period of practical or other experience as the case may be, should have been acquired after obtaining the educational/ technical qualifications prescribed for such appointment unless otherwise specified in the Special Rules.}

#Inserted Vide G.O.Ms.No.301, P&AR;, dt. 14.03.1980, w.e.f. 01.04.1979 "

The rule 19, therefore removes any doubt if there is one.

50. For the reasons stated, these writ petitions are allowed. A writ in the nature of mandamus is issued to the respondents 1 to 3 herein, to enter B.Ed. qualification of the petitioners in the Service Registers, and grant them all the consequential benefits flowing under G.O.Ms.No.42 as amended from time to time, by treating the petitioners to be having a duly recognised degree of B.Ed.

51. The needful to be done within a period of three months from the date of receipt of certified copy of this order. No costs.

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