

## Case relating to Qualification:

**Parties** : The Deputy Secretary Tamil Nadu Public Service Commission Omanathoorar Government Estate, Chennai Versus Vijayaraj & Others

**Court** : High Court of Judicature at Madras

**Case No** : W.A.No.476 of 2010 & M.P.No.1 of 2010

**Judges**: THE HONOURABLE MR. JUSTICE D. MURUGESAN & THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

**Appearing Advocates** : For the Appellant: Miss. C.N.G. Niraimathi, Advocate. For the Respondents: R1, Mr. P. Selvaraj, R3, Mr. V. Perumal, Advocate, R2, not ready in notice.

**Date of Judgment** : 29-06-2011

### Head Note :-

Comparative Citation:

2011 (7) MLJ 423

### Judgment :-

(Prayer:-Writ Appeal under clause 15 of the Letter Patent against the order dated 27.10.2009 in W.P.No.17558 of 2009 on the file of this Court.)

### K.K. Sasidharan, J.

This writ appeal at the instance of the Tamil Nadu Public Service Commission challenges the order passed by the learned Single Judge directing the commission to treat the first respondent as a candidate possessing the educational qualification stipulated in the advertisement for appointment to the post of Computer-cum-Vaccine Store Keeper.

### The facts:

2. The appellant issued a notification on 16 April, 2009 calling for applications for appointment to the post of Computer-cum-Vaccine Store Keeper. The educational qualification for the said post was specified as a degree in Statistics or a degree in Mathematics with statistics as special subject.

3. The first respondent submitted his application and he was permitted to appear for the examination held on 9 August, 2009. In the meantime, the appellant as per their communication dated 27 July, 2009 called upon the first respondent to produce evidence for having qualified in B.Sc. Maths with statistics as special subject as specified in clause 4-B(2) of the notification. The said communication was challenged by the first respondent in Writ Petition No.17558 of 2009.

4. Before the learned Single Judge, the first respondent has produced a certificate from the Head of the Department stating that probability is also a statistic subject and as such he fully satisfied the eligibility condition. The learned Single Judge considered the said certificate and opined that the mark sheet produced by the respondent shows that the subject code MAC clearly indicates that he has undertaken papers in "Differential Equations, Fourier Series, Laplace Transforms Probability" and therefore, the appellant was not justified in directing the first respondent to

produce materials to prove that he has studied statistics as a subject. Accordingly, the writ petition was allowed. Feeling aggrieved by the said order, the Tamil Nadu Public Service Commission is before us.

5. Since the certificate in question was issued by Tiruvallur University, we have impleaded the said University as a party to the writ appeal.

6. We have heard the learned Counsel for the parties at length.

7. The learned Standing Counsel for Tiruvallur University has produced a communication sent by the University dated 10 June, 2011. In the said communication, the University has very clearly stated that the subject MAC relates to the title "Differential Equations, Fourier Series, Laplace Transforms Probability" and it is not "statistic".

8. The learned counsel for first respondent contended that the University was not correct in issuing such certificate, in view of the fact that the first respondent has studied "statistics" as a subject, the probability being the statistic subject.

9. The submission made by the learned counsel for the first respondent is liable to be rejected on account of the categorical stand taken by Thiruvallur University.

10. The course in question was conducted by the said University. Therefore, the competent authority to speak about equivalence is none other than the University. The mark-list and the provisional certificates were issued by the said University. The competent authority has made the position clear that the subject code MAC relates to "Differential Equations, Fourier Series, Laplace Transforms Probability" and it is not "statistic". In the face of such clarification, the first respondent was not justified in contending that he has studied statistics and as such the certificate obtained by him should be declared as one equivalent to the qualification prescribed by the Tamil Nadu Public Service Commission.

Legal position:

11. The jurisdiction of the Court is very limited in the field of education. The question of equivalence is a matter to be decided by the concerned educational authorities. It is not for the Court to declare that a particular subject is equivalent. Such acts should be left to the wisdom of the educationalists. The Court has no expertise in such matters.

The authorities:

12. In Bihar Public Service Commission v. Kamini, 2007(5) Scale 735 = (2007) 5 SCC 519, the Supreme Court categorically observed that the Court of Law cannot act as an expert in the field of education. The Supreme Court said:

"8. Again, it is well settled that in the field of education, a court of law cannot act as an expert. Normally, therefore, whether or not a student/candidate possesses requisite qualifications, should better be left to educational institutions."

13. The Supreme Court in *All India Council For Technical Education v. Surinder Kumar Dhawan*, 2009(4) Scale 596 = (2009) 11 SCC 726, indicated that in matters involving academics, the Courts must keep their hands off. The observation reads thus:

"17. The role of statutory expert bodies on education and the role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, the courts will step in. In *J.P. Kulshrestha (Dr.) v. Allahabad University*<sup>1</sup> this Court observed:

"11. ... Judges must not rush in where even educationists fear to tread. ...

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17. ... While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies."

18. In *Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth*<sup>2</sup> this Court reiterated:

"29. ... the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them."

14. The learned Judge allowed the writ petition on the basis of the certificate issued by the Head of the Department. The Head of the Department has no authority to issue certificate of equivalence. It is for the University to issue such certificates. Now that the University has expressed its opinion regarding the equivalency claimed by the first respondent, no reliance could be placed on the certificate issued by the Head of the Department.

15. We are, therefore, of the view that the learned Single Judge was not justified in verifying the mark list and arriving at a conclusion that the papers in "Differential Equations, Fourier Series, Laplace Transforms and Probability" are nothing but statistic subjects. In view of the statement made by the University with regard to the equivalency in the subject, first respondent has to be non-suited. Accordingly, the order passed by the learned Single Judge is set aside.

16. In the result, the writ appeal is allowed. Consequently, the connected MP is closed. No costs.