



ABSTRACT

Public Services – Recommendations of the Equivalence Committee - Post Graduate Degree obtained through Open University System without obtaining the basic degree – Orders – Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (M) DEPARTMENT

G.O.(Ms).No.116

Dated: 18.08.2010

ஆவணி 2,
திருவள்ளூர் ஆண்டு 2041

Read:

1. Judgment of the High Court in W.A.Nos. 1221 of 2005, 82 of 2006 and W.P.No. 36307 of 2004, dated 04.02.2008.
2. Judgment of the Supreme Court of India, in Civil Appeal Nos. 4173, 4189-4191 of 2008, dated 25.02.2009.
3. D.O. Letter No. 848/05-17, Personnel and Administrative Reforms (M) Department, dated 25.08.2009 addressed to the Secretary, Tamil Nadu Public Service Commission.
4. From the Secretary, Tamil Nadu Public Service Commission, letter No. 6371/RND-F1/09, dated 18.11.2009.

ORDER :

The High Court of Madras in its common judgment in the Writ petitions first read above had observed that "it can never be countenanced that the Government consciously intended to recognize a degree of M.A. through Open University System without the benefit of the foundation degree or the basic degree as equivalent to a recognized degree eventhough the University Grants Commission Regulations never contemplated such a course". "Therefore, recognition of a degree from the Open University System could be only on the anvil that such degree must be in accordance with the Regulations of the University Grants Commission and not in direct conflict with such Regulations. The expression in the Rules that for the purpose of eligibility of a person to be appointed as a Principal, he must be in possession of a degree of recognized University cannot be stretched to include "Master's degree" obtained from the Annamalai University by appearing at one time examination without the benefit of a previous 'first degree'."

2. The Supreme Court of India in its judgment second read above has opined that the High Court is correct in rendering the opinion in the manner it did in its judgment (i.e.) the Supreme Court of India has upheld the Judgment of the High Court of Madras dated 04.02.2008 in W.A. Nos. 1221 of 2005, 82 of 2006 and W.P.No. 36307 of 2004.

3. In view of the above judgments, the Secretary, Tamil Nadu Public Service Commission was addressed in the letter third cited to place the subject matter before the Equivalence Committee for its recommendations, as to whether a Post Graduate Degree obtained through Open University System without obtaining a Bachelor's Degree can be considered for appointment to Public Services.

4. The Secretary, Tamil Nadu Public Service Commission in its letter four above has stated that the Equivalence Committee in its meeting held on 16.11.2009 has resolved that "based on the Supreme Court Judgment, the Committee recommended that those who possess the P.G. Degree through Open University System without obtaining a basic degree cannot be considered as possessing a Post Graduate degree".

5. After careful examination, the Government have decided to accept the recommendations of the Equivalence Committee and accordingly direct that those who possess a P.G. Degree through Open University System without obtaining a basic degree cannot be considered as possessing a Post Graduate degree for appointment to Public Services.

(BY ORDER OF THE GOVERNOR)

K.N. VENKATARAMANAN
SECRETARY TO GOVERNMENT

To
The Secretary, Tamil Nadu Public Service Commission, Chennai-6.
The Registrar, Madras University, Annamalai University,
Madurai Kamaraj University, Tamil Nadu Open University.
All Secretaries to Government, Chennai - 9.
All Departments in Secretariat, Chennai - 9.
All Heads of the Department (including District Collector).

Copy to:

The Special Personal Assistant to Hon'ble Chief Minister, Chennai - 9
The Special Personal Assistant to Hon'ble Minister (Electricity), Chennai - 9.
The Special Personal Assistant to Hon'ble Minister (Higher Education), Chennai - 9.
The Special Personal Assistant to Hon'ble Minister (School Education), Chennai - 9.
The Private Secretary to the Secretary to Government,
Personnel and Administrative Reforms Department, Chennai-9.
All Sections in Personnel and Administrative Reforms Department, Chennai - 9.
The Personnel and Administrative Reforms (AR-II) Department, Chennai - 9.
SF/SC.

/Forwarded by Order/


SECTION OFFICER