

(2013) 11 MAD CK 0233

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) Nos. 16051, 16052, 15660, 16181, 16780 of 2012, 18793 of 2013 and Contempt Petition (MD) No. 637 of 2013

Nadar Thanga Shubha Laxman
A.

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision: Nov. 29, 2013

Citation: (2014) 3 CTC 433 : (2014) 2 LW 881

Hon'ble Judges: T. Raja, J; M. Venugopal, J; M. Jaichandren, J

Bench: Full Bench

Judgement

@JUDGMENTTAG-ORDER

T. Raja, J.

One of the writ petitioners viz., Petitioner in WP. MD. No. 16181 of 2012, having obtained an Under-Graduate Degree in English and Communication from the Tamil Nadu Open University along with B.Ed., Degree, applied for appointment to the post of Graduate Teacher (English). Subsequently, she was called for certificate verification on 5.12.2012, however, she was not given appointment on the ground that there was a doubt as to whether the B.A. Degree in English and Communication issued by the Tamil Nadu Open University is equivalent to a B.A. Degree in English or not. The above circumstances gave rise to a question as to whether Equivalence Certificate would be only prospective so that the candidate would be entitled for employment as Graduate Assistant in English subject only in future or not.

2. On this issue, there are two views. Two of the learned Single Judges (K. Chandru, J. and D. Hariparanthaman, J.) took a view that "equivalent" means from the date of acquisition of the degree. But these views were overlooked by a Division Bench, vide Judgment dated 01.07.2013, passed in W.A.(MD) No. 312 of 2013 (N. Geetha Vs. The State of Tamil Nadu, represented by its Principal Secretary, Department of School Education, Chennai and another), dated 01.07.2013, holding that the Equivalence Certificate will operate only prospectively. Resultantly, the view of the learned single

Judges came to be doubted on the premise that one does not become equivalent to the other only on the certificate issued by the Equivalence Committee. Inasmuch as the one is equivalent to other, both are undoubtedly equivalent. It is not as though what was not equivalent all along becomes equivalent on the issuance of certificate by the Equivalence Committee. It was the view of the learned single Judges that once a Certificate issued by the Equivalence Committee declaring that one degree is equivalent to the other, it shall be considered as equivalent forever, from the date of issuance of such degree. In other words, the validity or utility of the certificate issued by any University cannot be curtailed or restricted from the date of the issuance of a Government Order or a Certificate by the Equivalence Committee prospectively for the purpose of recruitment to the post of Graduate Teachers.

3. Having regard to the view taken by the learned single Judges and the decision of the learned Division Bench, overlooking such view in N. Geetha's case, a learned single Judge, S. Nagamuthu, J., while dealing on the issue, has doubted the view of the Hon"ble Division Bench on the basis of the ruling of the Hon"ble Apex Court in [Chandrakala Trivedi Vs. State of Rajasthan and Others](#), wherein, the Apex Court held that the word "equivalent" must be given a reasonable meaning since the expression "equivalent" means that there are some degrees of flexibility or adjustment which do not lower the stated requirement. Further, after a person is provisionally selected, he may have certain degree of reasonable expectation about his selection. Therefore, from the date of acquisition of the degree, the said degree holder is entitled to enjoy the validity of the degree for recruitment to any post. While so, it is contrary to the fact that the validity of the certificate issued by any university cannot be curtailed prospectively on the ground that the Equivalence Committee has approved the said degree from the date of issuance of Government Order alone. Thus, the learned single Judge, by order dated 23.09.2013, had referred the following question for an authoritative pronouncement by a larger Bench. Accordingly, the Hon"ble the Chief Justice has constituted this Bench, and we are called upon to answer the following question:

Whether the Equivalence Certificate issued by the Committee constituted by the Government, declaring that the degree obtained from one University is equivalent to the degree obtained from yet another University is only prospective in operation and whether the view taken by the Division Bench of this Court in N. Geetha's case is correct?

4. Brief facts, leading to the Constitution of the Full Bench, are given as under:

a) The petitioner in W.P.(MD) No. 16181 of 2012 completed B.A. in English and Communication, a three year Course, conducted by the Tamil Nadu Open University and also obtained B.Ed. degree and one another Certificate in the year 2012 from the Tamil Nadu Teachers Education University. The Tamil Nadu Open University issued a certificate on 05.12.2012 certifying that B.A. (English and Communication) programme of Tamil Nadu Open University is equivalent to the B.A. (English)

Programme. When the petitioner has acquired the above said qualification, the Teachers Recruitment Board, issued Prospectus, inviting application for Teacher Eligibility Test (TET) for the year 2012 from eligible candidates in Tamil Nadu for the recruitment of teachers as per G.O.Ms. No. 181, School Education, CT Department, dated 15.11.2011 fixing the eligibility to write the TET. Relevant portions therefrom are given below:

3. Candidates should possess the following prescribed qualifications to write the Teacher Eligibility Test:

Candidates who have passed Higher Secondary Course (10+2 Pattern) and Diploma in Teacher Education in a Recognized Teacher Training Institute/DIET and seeking an appointment as Teacher for classes I to V (except Visually Impaired Candidates) can write Paper I.

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.

Candidates appearing for the Final year Examination of D.T.Ed./B.Ed., during the current Academic Year are also eligible to appear for the Teacher Eligibility Test.

b) Apart from fixing the criteria to write TET, the candidates were also categorized thus:

The following categories of candidates should write the Teacher Eligibility Test.

The Secondary Grade and Graduate Teachers (BT Assistants) appointed with the prescribed qualifications in Government, Government Aided and Un-aided Schools on or after 23rd August 2010.

Teachers working in Unaided Institutions without the prescribed qualifications shall acquire such minimum qualifications within a period of 5 years and should pass the TET. All candidates with necessary qualifications and seeking for appointment as Teachers for Classes I to VIII.

c) As the B.A. (English & Communication) of Tamil Nadu Open University is equivalent to B.A. (English), the petitioner was admitted by the Tamil Nadu Teachers Education University to complete B.Ed. Degree in English. Subsequently, an advertisement was published on 07.03.2012 inviting applications for Teachers Eligibility Test. She submitted her application for the TET examination and thereafter, attended the examination on 12.07.2012. After her failure, again she appeared for test and also passed the supplementary examination on 14.10.2012 and she was called for certificate verification on 06.11.2012.

d) In view of fixing the above eligibility criteria to write the TET, when the petitioners have appeared for TET, it is an admitted fact that, as per Clause 3 of the Notification, persons who are possessing equivalent degrees to Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography are entitled to be considered for selection by virtue of G.O.Ms. No. 254, dated 22.10.1998 in which the degrees obtained in M.Sc., Plant Science, M.Sc. Animal Science, B.Sc. Bio Chemistry, B.Sc., Micro Biology are equivalent to M.Sc. Botany, M.Sc., Zoology, B.Sc., Chemistry and B.Sc., Botany/Zoology) respectively.

e) Similarly, one another Government Order in G.O.Ms. No. 117, Higher Education (K2) Department, dated 02.07.2013, was issued by the Principal Secretary to Government, Higher Education stating that the 41st Equivalence Committee Meeting was held on 04.06.2013 for the purpose of employment in Public services. The Equivalence Committee has resolved to recommend as follows:

3. The Government after careful consideration have decided to accept the recommendation of the Equivalence Committee and direct the following various educational qualifications possessed by the candidates as equivalent to the courses mentioned therein.

Resolution No. 1 Public Services-Educational Qualification-Consideration of B.Sc. Advanced Zoology and Bio-Technology awarded by University of Madras as equivalent to B.Sc. Degree in Zoology	Equivalent
Resolution No. 4 Public Services-Educational qualification-Consideration of M.Sc. Economics 5 years Integrated course awarded by Avinashilingam Institute for Home Science and Higher Education for Women, Deemed University as Equivalent to M.A. Economics.	Equivalent

<p>Resolution No. 9</p> <p>Public Services-Educational qualification-Consideration of B.Sc. Plant Biology and Plant Bio-Technology awarded by Madras University as equivalent to B.Sc. Botany of the University of Madras.</p>	Equivalent
<p>Public Services-Educational qualification-Consideration of B.A. History and Tourism degree awarded by Madras University as equivalent to B.A. History of the University of Madras.</p>	Equivalent
<p>Resolution No. 10</p> <p>Public Services-Educational qualification-Consideration of Bachelor of Business Management (BBM) of Bharathiar University as equivalent to Bachelor of Business Administration degree of Madras University.</p>	Equivalent
<p>Public Services-Educational Equivalent qualification-Consideration of Bachelor of Business Administration Degree (BBA) of Bharathiar University</p>	Equivalent
<p>Public Services-Educational qualification-Consideration of Bachelor of Business Administration Degree (BBA) of Bharathiar University as equivalent to Bachelor of Business Administration degree of Madras University for the purpose of employment in Public Services.</p>	Equivalent

Resolution No. 11	Equivalent
Public Services-Educational qualification-Consideration of B.A. History and Tourism awarded by Manonmaniam Sundaranar University as equivalent to B.A. History for the purpose of employment in Public Services.	

Since the respondents treated the degrees of the writ petitioners to have only prospective effect from the date of the G.O./issuance of Equivalence Certificate and did not reckon the effect of the degree from the date of its issuance by the Universities concerned, they were denied selection, hence, the writ petitions came to be filed.

f. In the above background, the views taken by the learned Single Judges about the operational timing of the Equivalence Certificate and the Division Bench Judgment in N. Geetha's case in overlooking such views, ultimately led to this Reference at the behest of the learned single Judge. Therefore, the question needs to be answered by us is as to whether the degree obtained by the petitioners from one university is equivalent to the degree obtained from yet another university with the prospective effect in operation or retrospective in operation and if so, whether the view taken by the Hon"ble Division Bench in N. Geetha's case is correct or not?

5. Learned counsels appearing for the petitioners submitted that when the question of giving prospective effect and retrospective effect did not arise before the TET came into existence as per the notification issued by the Teachers Recruitment Board in 2012 inviting applications upto 04.04.2012 for TET, the Government Order in G.O.Ms. No. 72, Higher Education (K2) Department, dated 30.04.2013, came to be issued much later. Therefore, the petitioners, whose degrees have been declared as equivalent, are entitled to get their appointments on the basis of the Notification inviting the applications for TET for the year 2012 till 04.04.2012. It is also further submitted that, when G.O.Ms. No. 72, Higher Education (K2) Department, dated 30.04.2013, and another G.O.Ms. No. 117, Higher Education (K2) Department, dated 02.07.2013, also did not mention that these Government Orders would apply prospectively or retrospectively, it goes without saying that there is no question of prospective effect or retrospective effect since the benefit has to be given from the date of acquisition of the degrees.

6. In support of this submission, learned counsel appearing for the petitioners have relied upon a judgment of the Hon"ble Supreme Court in the case of [Binani Industries Ltd., Kerala Vs. Assistant Commissioner of Commercial Taxes, VI Circle,](#)

[Bangalore and Others](#), , and submitted that where a statute is passed for the purpose of supplying an obvious omission in a former statute or to "explain" a former statute, the subsequent statute has relation back to the time when the prior Act was passed. The rule against retrospectivity is inapplicable to such legislations as they are explanatory and declaratory in nature.

7. Relying upon one another judgment in the case of [Jay Mahakali Rolling Mills Vs. Union of India \(UOI\) and Others](#), , it was submitted that the effect of the word "now" is to operate henceforth. For, if the intention was to give retrospective effect, it would have been stated to be so specifically. Because "Retrospective" means looking backward, contemplating what is past, having reference to a statute or things existing before the statute in question. Retrospective law means a law which looks backward or contemplates the past; one, which is made to affect acts or facts occurring, or rights occurring before it comes into force.

8. On the above line, it was submitted that when there was no word prospective or retrospective given and also, the Equivalence Committee or the Government, while issuing Government Order intentionally/purposefully has not restricted the validity of the degree from the date of issuance of Government Order, by self-applying the word "prospective" or "retrospective", the validity of the certificate/degree/diploma issued by the concerned University or educational institution cannot be reduced to have effect from a particular date as that was not the intention of either the Government or the Equivalence Committee. But, this vital aspect was overlooked by the Division Bench without there being any discussion or reasoning and erroneously, the Division Bench held that the certificate/degree will have only a prospective effect. On that basis, it was pleaded that the validity of the degree obtained cannot be wrongly curtailed or eclipsed by a narrow interpretation.

9. Learned Special Government Pleader appearing for the respondents, by stating that the respondents are not saying anything against the validity of the degree obtained by the candidates, would submit that since this aspect relating to recruitment to the post of Graduate Teacher was considered rightly by the learned Division Bench in N. Geetha's case, no interference is called for. According to him, if for any reason, the view taken by the Division Bench shall be given any contrary look, the respondents would be put to great hardship, hence, the reference may be closed.

10. In support of his submissions, he relied upon the judgment of the Hon'ble Supreme Court in [S.L. Srinivasa Jute Twine Mills P. Ltd. Vs. Union of India \(UOI\) and Another](#), for the proposition that every statute is prima facie prospective unless it is expressly or by necessary implication made to have retrospective operation.

11. He also relied upon one another judgment of the Hon'ble Supreme Court reported in [B.N. Nagarajan and Others Vs. State of Mysore and Others](#), to contend that the respondents are entitled to frame rules retrospectively by virtue of the

power conferred under Article 162 of the Constitution of India, therefore, candidates who have not been issued Equivalent degree before appearing for the TET, are not entitled to ask for retrospective operation.

12. Heard the learned counsels appearing for the parties and perused the entire materials available on record.

13. The learned Division Bench, in its brief order, while dealing with the qualification namely, M.Sc., Mathematical Economics declared as equivalent to M.A. Economics degree by the Government in G.O.Ms. No. 72, Higher Education (K2), Department, dated 30.04.2013, as per the recommendation of the Equivalence Committee, was of the view that, if any selection is made for teacher appointment after G.O.Ms. No. 72, Higher Education (K2), Department dated 30.04.2013 which holds certain degrees equivalent to other degrees issued by some other educational institutions, such candidates become qualified from the date of such Government Order. Pausing here, straight away, we intend to observe that such a tight and narrow view to hold a particular degree as equivalent to another degree only from the date of the G.O. will unjustly take away the rights accrued from the date of acquisition of the degree, therefore, when there is no such specific mention made by the Government Order or the Equivalence Committee about the prospective or retrospective effect of the degree already obtained, giving prospective effect by reducing/curtailing the validity of the degree certificate is totally uncalled for. As a matter of fact, once the Equivalence Committee, after proper deliberations, have come to the conclusion that one degree issued by one university is equivalent to another degree issued by another university, it does not become equivalent to the other only from the date of issuance of the Government Order by the Government or on the date of Equivalence Committee considered it as equivalent, rather, it becomes equivalent from the very date of its issuance by the University concerned.

14. To put it as an illustration, if "A" acquires a degree-B.A. in English and Communication on 01.01.2010, the said degree, having been considered as equivalent to B.A. Degree in English by the Equivalence Committee constituted by the Government by a Government Order, dated 01.01.2012, the same cannot be equivalent from the date of passing the G.O. viz., 01.01.2012, belatedly, after two years viz., on 01.01.2012. This is for the reason that when the Equivalence Committee, after many deliberations, gives its seal of approval that one degree can be considered as equivalent to another degree by expressing their view on a particular date accepting the validity of the degree from the date of issue by the concerned university or educational institutions, definitely, it goes without saying that such a degree/diploma/certificate holder is entitled to enjoy the utility of the degree without even losing its validity from the date of issuance of the Government Order. Since this vital aspect, with due respect to the learned Division Bench, has been overlooked in N. Geetha's case, we are inclined to hold that once a degree/diploma/certificate is issued, the same will have its validity from the date of

issuance by the concerned university or educational institution but not from the date of issuance of Government order, accepting the recommendation of the Equivalence Committee.

15. In this context, it is pertinent to refer to a judgment in [S.L. Srinivasa Jute Twine Mills P. Ltd. Vs. Union of India \(UOI\) and Another](#), as the ratio laid down in this decision would undo the case and claim of the respondents. The judgment is clear and unambiguous on the issue and paragraph 14, which is relevant, is given as under:

14. In [Govind Das and Others Vs. The Income Tax Officer and Another](#), this Court speaking through P.N. Bhagwati. J., (as he then was) held:

11. Now it is a well settled rule of interpretation hallowed by time and sanctified by judicial decisions that, unless the terms of a statute expressly so provide or necessarily require it, retrospective operation should not be given to a statute so as to take away or impair an existing right or create a new obligation or impose a new liability otherwise than as regards matters of procedure. The general rule as stated by Halsbury in Vol. 36 of the Laws of England (3rd Edn.) and reiterated in several decisions of this Court as well as English courts is that

all statutes other than those which are merely declaratory or which relate only to matters of procedure or of evidence are prima facie prospective" and retrospective operation should not be given to a statute so as to affect, alter or destroy an existing right or create a new liability or obligation unless that effect cannot be avoided without doing violence to the language of the enactment. If the enactment is expressed in language which is fairly capable of either interpretation, it ought to be construed as prospective only.

16. A mere perusal of the above observation vividly shows that the candidates, who had appeared for TET with the requisite qualification as per the advertisement, have acquired vested rights and benefits, hence, the same cannot be retrospectively taken away, since this will visit civil consequences.

17. Moreover, the Apex Court in the case of [Purbanchal Cables and Conductors Pvt. Ltd. Vs. Assam State Electricity Board and Another](#), dealt with a similar issue and held that generally, an Act should always be regarded as prospective in nature unless the legislature has clearly intended the provisions of the said Act to be made applicable with retrospective effect. In this context, it is relevant to extract below paragraph 49 of the said judgment,

49. In the case of [Zile Singh Vs. State of Haryana and Others](#), this Court examined the various authorities on statutory interpretation and concluded:

13. It is a cardinal principle of construction that every statute is prima facie prospective unless it is expressly or by necessary implication made to have a retrospective operation. But the rule in general is applicable where the object of the

statute is to affect vested rights or to impose new burdens or to impair existing obligations. Unless there are words in the statute sufficient to show the intention of the legislature to affect existing rights, it is deemed to be prospective only--"nova constitutio futuris formam imponere debet non praeteritis"--a new law ought to regulate what is to follow, not the past. (See Principles of Statutory Interpretation by Justice G.P. Singh, 9th Edn., 2004 at p. 438.) It is not necessary that an express provision be made to make a statute retrospective and the presumption against retrospectivity may be rebutted by necessary implication especially in a case where the new law is made to cure an acknowledged evil for the benefit of the community as a whole (ibid., p. 440).

14. The presumption against retrospective operation is not applicable to declaratory statutes.... In determining, therefore, the nature of the Act, regard must be had to the substance rather than to the form. If a new Act is "to explain" an earlier Act, it would be without object unless construed retrospectively. An explanatory Act is generally passed to supply an obvious omission or to clear up doubts as to the meaning of the previous Act. It is well settled that if a statute is curative or merely declaratory of the previous law retrospective operation is generally intended.... An amending Act may be purely declaratory to clear a meaning of a provision of the principal Act which was already implicit. A clarificatory amendment of this nature will have retrospective effect (ibid., pp. 468-69).

18. The above observation, once again, makes the issue raised in the present writ petitions clear that the rule in general is applicable where the object of the statute is to affect vested rights or to impose new burdens or to impair existing obligations. Unless there are words in the statute sufficient to show the intention of the legislature to affect the existing rights, it is deemed to be prospective only.

19. In similar circumstances, the learned single Judge of this Court in W.P.(MD) Nos. 34457 and 34458 of 2012, dated 28.02.2013 by following the judgment in [Chandrakala Trivedi Vs. State of Rajasthan and Others](#), held as follows:

2. In the prospectus issued by the TRB, the eligibility to write TET was specified in Para 3, wherein it is stated that candidates must have passed Bachelor's Degree (B.A./BSc./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.

3. In the present case, to the advantage of the petitioners, the State Government has issued G.O.(1D) No. 333, Higher Education Department, dated 27.11.2012, holding that B.A. Communicative English awarded by Madurai Kamaraj University is equivalent to B.A. English for the purpose of employment in public services. The petitioners also produced several other communications given by the University stating that the B.A. Communicative English is equivalent to B.A. English.

4. In this context, it must be noted that the respondents in their prospectus did not advertise only for candidates having exact qualification, it also contemplated persons having an equivalent qualification. The Supreme Court has recognized the distinction between the equivalent and exact qualification vide judgment reported in [Chandrakala Trivedi Vs. State of Rajasthan and Others](#), . In paragraph Nos. 8 and 9, it observed as follows:

8. The word "equivalent" must be given a reasonable meaning. By using the expression "equivalent" one means that there are some degrees of flexibility of 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.

9. Considering these aspects of the matter, we are of the view that the appellant should be considered reasonably and the provisional appointment which was given to her should not be cancelled. We order accordingly. However, we make it clear that we are passing this order taking in our view the special facts and circumstances of the case.

20. In yet another judgment of the Apex Court in [Udai Singh Dagar and Others Vs. Union of India \(UOI\) and Others](#), , while considering almost a similar issue with regard to protecting the rights and privileges of diploma and certificate holders in Veterinary Science, it was held that not only a vested or accrued right but also inchoate right is protected. Strong reliance in this behalf has been placed on a decision in Court of Appeal in Chief Adjudication Officer vs. Maguire, reported in (1999) 2 All ER 859 (CA) . It is relevant to extract paragraph 71 of the above said judgment:-

71. The expression "unless a different intention appears" contained in Section 6 of the General Clauses Act, thus, in this case, would be clearly attracted. A right, whether inchoate or accrued or acquired right, can be held to be protected provided the right survives. If the right itself does not survive and either expressly or by necessary implication it stands abrogated, the question of applicability of Section 6 of the General Clauses Act would not arise at all. (See [Bansidhar and Others Vs. State of Rajasthan and Others](#), and [Thyssen Stahlunion GmbH Vs. Steel Authority of India Ltd.](#), .

21. The above observation of the Apex Court clearly answers the doubt raised in this Reference that a right whether inchoate or accrued or acquired right can be held to be protected, provided the right survives. In the light of the said principle, if the case on hand is considered, admittedly, the equivalence committee has considered and approved the equivalent nature of the degree and certificate obtained by the candidates. Similarly, the Government Order issued by the Government also agrees with the validity of the degree, therefore, from the date the degree was obtained by

the candidate, the right is accrued, hence the same should be protected. While so, giving a different meaning that the validity of the degree will have prospective effect or retrospective effect is uncalled for. To make it even further clear, we wish to mention at the risk of repetition that when both the equivalence committee and the Government Order issued by the State Government have not chosen to restrict the validity of the degree obtained in any one of their orders, it goes without saying that the validity of the degree from the date of acquisition will stand to benefit the candidates, therefore, the question of introducing the prospective or retrospective ruling will tantamount to violent interpretation against the settled legal position. In this context, it is useful to refer to the judgment of the Apex Court in the case of [B.S. Vadera Vs. Union of India \(UOI\) and Others,](#), wherein, the law is well declared that an accrued and acquired right of a person cannot be taken away with retrospective effect.

22. Also, in the present case, neither the Equivalence Committee nor the Government Orders in G.O.Ms. Nos. 72, dated 30.04.2013 and 117, dated 02.07.2013, confined the validity of the degree obtained by the candidates to operate prospectively, therefore, as per the above judgments, when the vested rights are created from the date of their acquisition of equivalent degrees, the respondents cannot take a stand that the degrees obtained by the petitioners will only have prospective effect from the date of issuance of Equivalence Certificate. When both the Equivalence Committee and the Government Order have consistently not mentioned the effect of the validity of the degree, it is not proper to hold prospective by any one, more so, by the Court. That apart, a degree or a certificate issued by any University or competent educational authorities always have the effect on par with a decree issued by a competent civil court. Besides, it is well settled legal position that even an executing court cannot go behind its decree and this principle will mutatis mutandis undoubtedly apply to the case on hand as well.

23. It must be stressed here that fairness demands that no court can afford to have more than one view on one or the same issue; lest, there will be inconsistency. Consistency and Uniformity are the basic virtues inherent in every court proceedings. The law is meant to protect people from inconsistency bred by any legal confusion and confrontation. When two of the learned single Judges' orders have not been addressed nor over-ruled on the vital point, we are duty-bound to iron out the inconsistency to have uniformity and consistency on the issue involved. To uphold the "one court-one view" principle, in turn, to restore the consistency and uniformity, we hereby hold that the view taken in Geetha's case is incorrect, therefore, it is over-ruled. In view of the above settled position and for the foregoing reasons, we hold that the equivalence certificate issued by the committee constituted by the Government declaring that the degrees obtained from one University is equivalent to the degrees obtained from yet another University cannot be held to be only prospective in operation but will have its effect and validity right

from the date of issuance, therefore, with due respect to the Hon"ble Division Bench, the view taken in N. Geetha"s case is incorrect. Accordingly, the reference is answered.

Registry is directed to place all matters before the learned single Judge for disposal on merits.