

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :13.01.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.18144 of 2014
& M.P.Nos.1 and 2 of 2014

K.V. Rajkumar

...Petitioner

- Vs. -

1. Government of Tamil Nadu
Rep. by its Secretary
Higher Education Department
Fort St. George
Chennai-600 009.
 2. Tamil Nadu Public Service Commission
Rep. by its Secretary
Frazer Bridge Road
Park Town
Chennai-600 003.
 3. University Grants Commission (UGC)
Rep. by its Secretary
Bahadur Shah Zafar Marg
New Delhi-110 002.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of declaration, declaring that the action of the second respondent in withholding the result of the petitioner for appointment by direct recruitment to the post including Group I Services Examination 2011-2013 as illegal, arbitrary and contrary to law and consequently direct the second respondent to declare the result of the petitioner in respect of his Registration No.00137205 and appoint him to the post of Deputy Collector.

For Petitioner : Mr. R. Vaigai
for Mr. Balan Haridas

For Respondents : Mr.M.S. Ramesh, Spl. G.P. for R.1
Mr.C.N.G. Niraimathi for R.2
Mr.P.R.Gopinath for R.3

ORDER

The petitioner submitted an application for direct recruitment to the posts in Group I services of the Government of Tamil Nadu. He appeared for the preliminary examination on 16 February 2013. Thereafter, he was permitted to take the main written examination on 20 July 2013. The petitioner expressed his desire to join the post of Deputy Collector. The interview was held on 6 May 2014. The petitioner claimed preferential treatment as he studied in Tamil medium. The second respondent published the results of the examination. The name of the petitioner was shown at Sl.No.19 and against his name it was recorded that the result was withheld. The petitioner made enquiry and he was informed that he had done two degrees at the same time one through Open University and another one through Regular studies and that was the reason for withholding the result. Feeling aggrieved by the action in keeping his result pending, the petitioner has come up with this writ petition.

2. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing on behalf of the first respondent and the learned Standing Counsels for Tamil Nadu Public Service Commission and University Grants Commission.

3. The learned Standing Counsel for the Tamil Nadu Public Service Commission submitted that the petitioner claimed the benefits conferred on candidates, who had their education in Tamil medium. However it was found that he had done two degrees simultaneously and as such he was not given the benefits of Tamil Medium study.

4. The documents available on record and more particularly, the minutes of 494th meeting of the University Grants Commission dated 31 July 2013 shows that the University Grants Commission has taken a decision to permit students to pursue two or more degrees simultaneously on regular/distance/private/online/part time basis. Thereafter the University Grants Commission at its meeting held on 1 October 2013 approved the decision of the 494th meeting held on 31 July 2013. It is therefore very clear that the University Grants Commission permitted such simultaneous study. In view of the decision taken by the University Grants Commission to permit students to undergo two degrees at the same time, the Tamil Nadu Public Service Commission was not correct in rejecting the case of the petitioner for appointment on preferential allotment to persons studied in Tamil Medium.

5. The affidavit filed in support of the writ petition shows that the petitioner is ranked No.1 in so far as persons studied in Tamil Medium list is concerned.

6. The Tamil Nadu Public Service Commission is directed to consider the case of the petitioner for appointment under the preferential allotment to persons studied in Tamil Medium and pass appropriate orders as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is allowed as indicated above. Consequently, the connected MPs are closed. No costs.

Sd/-
Deputy Registrar.

/true copy/

Sub Asst. Registrar.

Tr/

To

1. The Secretary
Government of Tamil Nadu
Higher Education Department
Fort St. George
Chennai-600 009.
2. The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
Park Town
Chennai-600 003.
3. The Secretary
University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi-110 002.

+1cc to Mr.P.R.Gopinathan, Advocate SR.No.2562

1 CC to the Government Pleader SR NO 2281

+1cc to Mr.Balan Haridas, Advocate SR.No.1906

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