

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33246 of 2015

And

M.P.No.1 of 2015

Mrs.K.Sudha

.. Petitioner

Vs.

1 The Chairman
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai - 600 003.

2 The Member Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
Chennai - 600 003.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner vide. Reg. No. 55142225 for selection for the post of Assistant Director of Statistics on the basis of Provisional list issued by the 2nd respondent and certificate verification held on 31.08.2015 in furtherance of the notification dated 10.01.2013 vide. notification No.1 of 2013 issued by the 2nd respondent for appointment by direct recruitment to the post of Assistant Director of Statistics.

For Petitioner : Mr.A.Prabhakaran

For Respondents : Mr.C.N.G.Niraimathi

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner applied in response to the notification dated 10.01.2013 issued by the Tamil Nadu Public Service Commission for direct recruitment to the post of Assistant Director of Statistics under Tamil Nadu Statistics Service and following educational qualification prescribed:

"Master's degree in Economics/ Operations Research/ Computer Application/ Computer Science/ Mathematics/ Mathematical Economics/ Econometrics and Statistics as ancillary/ allied subject."

3. It is the contention of the petitioner that in Master's degree there will not be any allied or ancillary subject namely, Statistics. Therefore, the prescription of qualification is per se wrong and therefore, submitted representation to the respondents 1 and 2 in that regard and since no response is forthcoming, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that in the light of the above said factual aspect, the stand of the respondents is per se un-sustainable and prays for appropriate direction to consider the claim of the petitioner for direct recruitment of the above said post and prays for appropriate orders.

5. Per contra, Ms.C.N.G.Niraimathi, learned counsel who accepts notice on behalf of the respondents would contend that the relief sought for by the petitioner is not within the scope and ambit of the respondent commission and it is merely one of the educational qualification prescribed by the concerned department and prays for dismissal of the writ petition.

6. This Court heard the rival submissions and also perused the materials placed before it.

7. Whether the prescription of qualification namely, Master's degree in Economics/ Operations Research/ Computer Application/ Computer Science/ Mathematics/ Mathematical Economics/ Econometrics and Statistics as ancillary/ allied subject, is correct or not in the considered opinion of this Court, can't be decided by the Tamil Nadu Public Service Commission and the remedy open to the petitioner if any, is to approach the Higher Education Department of the Government of Tamil Nadu.

8. In the above facts and circumstances, this Court permits the petitioner to submit a representation to the Higher Education Department of the Government of Tamil Nadu represented by its Secretary to Government within a period of two weeks from the date of receipt of a copy of this order and the said department on receipt of the same, is directed to consider and dispose of the same on merits and in accordance with law and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

9. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.
Pri

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2 The Chairman
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai - 600 003.
- 3 The Member Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
Chennai - 600 003.

+1 C.C. To MR.A.Prabakaran, Advocate in SR.NO.57398

सत्यमेव जयते

W.P.No.33246 of 2015
And
M.P.No.1 of 2015

Lrs (CO)

sd : 04/11/2015

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