

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24734 of 2017

and

WMP.No.26096 of 2017

M.Sakthivel

.. Petitioner

Vs

Tamil Nadu Public Service Commission,
Rep.by its Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider the application of the petitioner (Register No.010001009) for the appointment to the post of Superintendent, Garments and Holdall Making Unit, Vellore (Post Code No.3014) (2015-2016) treating the educational qualification prescribed by the respondent in clause 4(B)(i)(b) of the Notification No.23/2016, dated 2.12.2016 and the Diploma in Garment Technology are equivalent.

For Petitioner : Mr.S.Doraisamy

For Respondent : M/s.C.N.G.Niraimathi

O R D E R

The relief as sought for in this writ petition is for a direction to the respondent to consider the application of the petitioner (Reg.No.010001009) for appointment to the post of Superintendent, Garments and Holdall Making Unit, Vellore, (Post Code No.3014) (2015-2016) treating the educational qualification prescribed by the respondent in Clause 4(B)(i)(b) of the Notification No.23/2016, dated 2.12.2016.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner has acquired the basic required qualification of SSLC, +12 and

further passed Diploma in Garment Technology and he completed the Diploma Course in April, 2004. It is further stated that tailoring, dress making and needle work are also the subjects prescribed in the course of Diploma in Garment Technology. Thus, the writ petitioner is fully qualified for recruitment to the post of Superintendent as notified. The learned counsel urged this Court by stating that the qualification prescribed in the notification is as under :-

"... 4b.(i) EDUCATIONAL AND EXPERIENCE
QUALIFICATION as on 02.12.2016 (i.e., the date of
Notification)

(a) Must be the holder of S.S.L.C eligible for
College course of study;

(b) Must have passed Government Technical Examination
either in Tailoring and Dress-making (Higher Grade)
or Group Certificate in Needle work and Dress making.

And

(c) Must possess practical experience in the
manufacture of Garment and Holdalls for a period of
not less than three years."

3. As per the prescribed qualification, the subjects of tailoring and dress making are also covered under the course undergone by the writ petitioner viz., Diploma in Garment Technology. Such being the case, the qualification of Diploma in Garment Technology is also to be treated equivalent to that of the qualification prescribed as per the notification. However, in respect of declaration of equivalence of qualification, this Court need not issue any direction and it is for the academic experts to make suitable assessment in this regard under the Rules and thereafter, it is for the State to issue suitable orders in this regard. In other words, the State has appointed a committee for the purpose of the declaration of equivalence of qualifications and it is left open to the competent authorities to refer the matter, if necessary before the Committee and if the Committee has made suitable recommendations, further, it is the administrative discretion of the State to adopt such a qualification for recruitment to the particular post or not. The stipulation of service conditions are the administrative prerogative of the State. The prescription of qualification for the particular post is also vested in the authority and the wisdom of the State and it is not for the Courts to declare that a particular degree or subject is equivalence to that of another degree or subject. It is the job of the experts and the Court being not an expert in this regard, cannot express any opinion in respect of the equivalence in qualification. The Court has to find out as to whether there is any illegality or

unreasonableness or any malpractices or corrupt activities in the process of selection. In such an event, the Court can very well interfere in the process of selection not otherwise. In the case on hand, it is a case where the petitioner made a claim that the Diploma certificate obtained by him is equivalent to that of the qualification prescribed in the notification. Such being the case, it is left open to the competent authorities to initiate action in this regard under the Rules in force.

4. Thus, this Court cannot entertain the prayer as such sought for in the writ petition. However, the learned counsel made a submission that the writ petitioner submitted a representation on 11.9.2017, to consider his claim in this regard and the same has not been considered. In this view of the matter, the respondent is directed to consider the representation submitted by the writ petitioner on 11.9.2017 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However there shall be, no order as to costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

+lcc to Mr.S.Doraisamy, Advocate in sr.no.67264

W.P.No.24734 of 2017

NR 25/09/2017