

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.22845 of 2018

A.G.Umarani

...Petitioner

Vs.

1. The Under Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Chennai - 600 003.
2. Tamil Nadu Public Service Commission,
rep. by its Secretary, Frazer Bridge Road, VOC Nagar,
Chennai - 600 003. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records comprised in Memorandum No.6207/OTD-B2/2010 passed by the first respondent dated 17.05.2018, appointing the petitioner to the post of Audit Assistant, Accounts Branch, Highways Department and the consequential Memorandum No.6207/OTD-B2/2010, dated 10.08.2018, on the file of the second respondent and to quash the same and consequently to direct the respondents to appoint the petitioner to the post of Assistant in the Revenue Department or in any post available under the Combined Subordinate Service Examination -I, (Group-II Services) 2009-2011 instead of Audit Assistant in the Accounts Branch of Highways Department based upon the representation of the petitioner dated 19.06.2018, 09.07.2018 and 19.07.2018.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.M.Loganathan
Standing Counsel

O R D E R

Heard, Mr.R.Karthikeyan, the learned counsel appearing for the petitioner and Mr.M.Loganathan, the learned Standing Counsel, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this case is that, she has been appointed as Audit Assistant, but the said post is meant for Commerce Graduate, and as such, she being the Law Graduate, she should be given the post of Revenue Assistant, for which, she is qualified. As the representation of the petitioner in this regard has already been rejected, she has come to this Court filing this Writ Petition challenging the order appointing her to the post of Audit Assistant and the consequential order of rejecting her prayer to appoint her in the post of Assistant in the Revenue Department.

3. The learned Standing Counsel for the respondents submits that the petitioner is eligible to hold the post, in which, she is appointed. It is only, in the event, when persons possessing degree in Commerce should hold the post of Audit Assistant, and the persons possessing degree in other subjects are not eligible to hold the post, the claim of the petitioner is sustainable. The post being Audit Assistant, preference would be given to those persons, who possesses the Commerce Degree. However, the Rule never mandates that the persons possessing other degree become ineligible to hold the said post. The petitioner being accommodated in the post of Audit Assistant, has no right to claim any other particular post. It is only in the event, necessary appointment has not been given to the petitioner, she can be heard of saying that discrimination has been meted out to her and she has been appointed to the post, to which, she is not qualified to hold. The petitioner has been given appointment to a post, for which, she is qualified. Therefore, the claim of the petitioner that the post is meant for Commerce Graduate and the person possessing Commerce Degree alone has to be preferred and she being a Law Graduate, she ought to be given the post of Revenue Assistant is baseless and rejection of her claim in this regard, is well founded and as such, this Court does not want to interfere with the same. Accordingly, this Writ Petition stands dismissed at the stage of admission. No costs.

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sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Under Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Chennai - 600 003.
2. Tamil Nadu Public Service Commission,
rep. by its Secretary, Frazer Bridge Road, VOC Nagar,
Chennai - 600 003.

+lcc to Mr.M.Loganathan, Advocate SR.NO.60835

+lcc to Mr.R.Karthikeyan, Advocate SR.NO.61567

GP(CO)

sm:9.10.2018

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