



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P(MD) .No.18907 of 2015**and****M.P(MD) .Nos.1 & 2 of 2015**

P.Balasundari

.. Petitioner

Vs.

1. The Chairman,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.

2. The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.

3. The Controller of Examinations,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.

.. Respondents

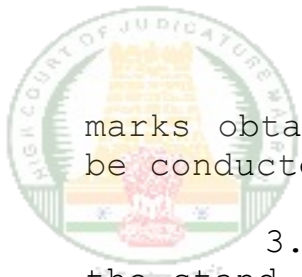
PRAYER: Petition filed under Article 226 of Constitution of India, issue a Writ of Mandamus, directing the respondents to conduct the oral test for the petitioner and give suitable appointment upon considering the marks obtained in the written test and marks to be obtained in the oral test for the Assistant Director Statistics in the Tamil Nadu Statistics Service, calling for the recruitment in pursuance of the respondent notification dated 10.01.2013.

For petitioner : Mr.K.K.Ramakrishnan
For Respondents : Mr.K.K.Senthil

O R D E R

Heard the learned counsel on either side.

2.The petitioner is having MCA Degree course issued by Madurai Kamaraj University. The respondents/Commission issued a notification dated 10.01.2013, inviting applications from eligible candidates for filling up the vacancies for the post of Assistant Director of Statistics in Tamil Nadu Statistics Service. The petitioner was not permitted to take part in the selection process and she was also not called for the interview. Aggrieved by the denial of employment, the petitioner has filed the present Writ petition for issuance of a Writ of Mandamus for directing the respondents to conduct oral test to her and also consider the



marks obtained by her in the written test as well as the viva to be conducted.

3.The respondents have filed their counter affidavit and the stand taken by them is that the petitioner is not qualified to be considered for the post in question.

4.The qualification for the post of Assistant Director of Statistics is as follows:-

Name of the Post	Qualification
Assistant Director of Statistics	1.Master's Degree in Statistics or 2.Master's Degree in Economics/Operations Research /Computer Applications/Computer Science/Mathematics/Mathematical Economics/Econometrics and Statistics as ancillary/allied subject. Provided that the candidates with the above degrees in Subjects over than Statistics are, apart from being fully conversant with basic level concepts of Statistics (including Bayes' theorem in Probability, probability distributions like Binomial, Poisson, Normal, t, chi-Square & F, Probability Generating Functions, Moment Generating Function, Theory of Estimation, Testing of Hypothesis using various statistical Tests like Z, t, F, Chi-Square, basics of Multiple Regression and Multivariate analysis and sampling designs) should also have adequate knowledge in advanced level statistical concepts like logistic regression Logit and Probit models, Time Series Models including Auto-Regressive Integrated Moving Average (ARIMA) models, Multivariate analysis including Factor analysis, Cluster analysis, Principal component analysis, Design of Experiment, non-parametric tests and Generalized Linear Models. In addition, they should have basic skills in using MS-Excel and either Statistical package for the Social Sciences (SPSS) or Statistical Analysis System (SAS) for Statistical data analysis".



5. Admittedly, the petitioner is not having a Master Degree in Statistics. She is only having a Master Degree in Computer Applications (i.e, M.C.A). The stand of the respondents is that in the marks statement furnished by the petitioner, there is no mentioning of Statistics as an ancillary/allied subject. Therefore, the respondents would contend that the petitioner does not have the eligibility requirement set out in the recruitment notification.

6. Per contra, the learned counsel appearing for the petitioner would contend that throughout India, there is no certificate mentioning Statistics as an ancillary/allied subject. He would place reliance on the Certificate dated 09.03.2017, issued by the Director of Distance Education, Madurai Kamaraj University to the effect that in M.C.A. Course, the syllabus contains Statistics concepts and Statistical Analysis System (SAS) for Statistical data analysis, the allied subject of Statistics. The learned counsel for the petitioner would also place reliance on the syllabus for the MCA Degree Course.

7. This Court expresses its inability to accept the submissions made by the learned counsel for the petitioner. This Court cannot assume the role of an academic expert. The respondents are the recruiting agency. The respondents have taken a stand that the petitioner's qualification does not fall within the eligibility norms spelt out by the recruitment notification. This Court cannot undertake the exercise of analysing the course content of the syllabi of MCA Course and come to the conclusion that Statistics is an ancillary/allied subject. Even, the certificate issued by the Director, Madurai Kamaraj University, indicates that M.C.A course contains the course which can be said to be the allied subject of Statistics. What is required is that Statistics should be the allied subject. But, the certificate relied upon by the petitioner refers to course which contains the allied subject of Statistics. This does not fulfil the requirement set out in the recruitment notification. This Court went through the statement of marks enclosed in the typed-set of papers. The subject of Statistics is not figuring in any of the subject descriptions. The writ petition is, therefore, dismissed on the ground that the petitioner does not have the eligibility qualification as set out in the recruitment notification.

8. At this juncture, the learned counsel for the petitioner would submit that some persons possessing the degree as that of the petitioner were permitted to participate in the oral test, but, in the affidavit filed in support of the writ petition, those details are not set out.

<https://hcservices.ecourts.gov.in/hcservices/>

9. In the considered view of this Court, a mere averment that the persons with similar Post Graduate Degree were permitted



to participate in the oral test would not be sufficient. The petitioner must come out with specific details as to who were permitted to participate in the oral test and failure on the part of the petitioner to do so would lead to the conclusion that the allegation is vague. Therefore, this Court rejects the contention based on the discrimination also.

10.The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.
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3. The Controller of Examinations,
Tamilnadu Public Service Commission,
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Chennai-600 003.

+ 1 cc TO Mr.K.K.Senthil , Advocate in SR No. 43173
+ 1 cc TO Mr.K.K.Ramakrishnan , Advocate in SR No. 42918

tsg
AE/KKR/SAR4/22.02.2018/4P/6C

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