



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17658 of 2018

and

W.M.P (MD) Nos.15539 and 15540 of 2018

P.Vinoth Kumar

... Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 600 008.

2. The Director General of Police,
Office of the Director General of Police,
Chennai-4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notification, dated 11.7.2018 in Advertisement No.1 of 2018 on the file of the first respondent in Sl.No.10 and to quash the same as illegal to the extent to which denied that as 'I.Candidates should possess minimum a second class diploma in Electronics and Communication Engineering awarded by the state Board of Technical Education, Tamil Nadu or A degree(B.E/B.Tech) in Electronics and Communication Engineering by all India Council for Technical Education. ii. The candidate must have obtained the Diploma/Degree before the date of notification I.e., on 11.07.2018 (a)The Diploma should have been obtained after completion of SSLC or Higher Secondary Course and (b) Degree should have been obtained after completion of SSLC and HSC or Diploma(C)Degree should have been obtained after completion of SSLC and three years Diploma (iii) Candidates should have studied Tamil as a subject in X/XII. If not studied, candidates will have to pass the Tamil Part II Test conducted by Tamil Nadu Public Service Commission within two years of joining the service and consequently direct the respondents to include the B.SC Electronics and Communication as one of the educational qualification for the post of Sub-Inspector of Police(Technical) 2018.



For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.R.Sethuraman
1 and 2 Special Govt.Pleader

WEB COPY

ORDER

The petitioner has come forward with this Writ Petition seeking to quash the impugned notification, dated 11.7.2018 in Advertisement No.1 of 2018 on the file of the first respondent in Sl.No.10 by which it was stipulated that 'I.Candidates should possess minimum a second class diploma in Electronics and Communication Engineering awarded by the state Board of Technical Education, Tamil Nadu or A degree(B.E/B.Tech) in Electronics and Communication Engineering by all India Council for Technical Education; ii. The candidate must have obtained the Diploma/Degree before the date of notification I.e., on 11.07.2018 (a)The Diploma should have been obtained after completion of SSLC or Higher Secondary Course and (b) Degree should have been obtained after completion of SSLC and HSC or Diploma (C)Degree should have been obtained after completion of SSLC and three years Diploma; (iii) Candidates should have studied Tamil as a subject in X/XII. If not studied, candidates will have to pass the Tamil Part II Test conducted by Tamil Nadu Public Service Commission within two years of jointing the service and consequently direct the respondents to include the B.SC Electronics and Communication as one of the educational qualification for the post of Sub-Inspector of Police(Technical) 2018.

2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the Petitioner is that the Petitioner completed B.Sc in Electronics and Communication and he belongs to Backward Class Community. He has applied for the post of Sub-Inspector of Police(Technical) by advertisement No.1 of 2018, dated 11.7.2018 and as per the advertisement, the following are the qualifications:

'I.Candidates should possess minimum a second class diploma in Electronics and Communication Engineering awarded by the state Board of Technical Education, Tamil Nadu or A degree(B.E/B.Tech) in Electronics and Communication Engineering by all India Council for Technical Education. ii. The candidate must have obtained the Diploma/Degree before the date of notification I.e., on 11.07.2018 (a)The Diploma should

have been obtained after completion of SSLC or Higher Secondary Course and (b) Degree should have been obtained after completion of SSLC and HSC or Diploma (C) Degree should have been obtained after completion of SSLC and three years Diploma (iii) Candidates should have studied Tamil as a subject in X/XII. If not studied, candidates will have to pass the Tamil Part II Test conducted by Tamil Nadu Public Service Commission within two years of joining the service.''

4.Unfortunately, B.Sc Electronics/BSc Computer Science was not included in the advertisement and it is in violation of Article 16 of the Constitution of India, as BSNL in similar instances, while recruiting Junior Engineer as per advertisement, dated 24.6.2017, included the persons who have qualified in B.Tech/B.E.in computer Science, Electrical and Electronics and Engineering etc from a Central /State Government recognized institution or B.Sc (Electronics)/B.SC(Computer Science). But unfortunately, in the present case on hand, the Government has given a go by to the candidates, who have studied B.Sc Electronics /B.Sc(Computer Science) and they have decided to go with the selection process in the Tamil Nadu Uniformed Services. He would further submit that Advertisement No.1/13, dated 11.7.2013 insofar as the non-inclusion of B.Sc(Electronics)/Computer Science is illegal and that the subjects which was given in the advertisement and the subjects in which the Petitioner has undergone are similar.

5.The case of the respondents is that the Petitioner has made an application based on G.O.Ms.No.873, dated 2.12.2016 and the advertisement, dated 11.7.2018. It is open to the respondents to fix the prescribed qualification for a particular post and the Petitioner, as a matter of right cannot demand that B.Sc (Electronics)/B.Sc(Computer Science) also to be included for recruitment to the post of Sub-Inspector of Police(Technical), 2018. There is no arbitrariness in the advertisement and it is suffice that adequate qualifications are required for the purpose of recruiting a person to the post of Sub-Inspector of Police (Technical) and that B.SC(Electronics)/B.Sc(Computer Science) is not required.

6.Heard both sides.

7.The Petitioner has made an application based on the advertisement dated 11.7.2013.G.O.Ms.No.873, dated 2.12.2016, wherein, it has been stated that in the direct recruitment to be conducted by the Tamil Nadu Uniformed Services Board,the Board had prescribed certain qualifications and the earlier rule was amended and other qualifications was:

Other qualifications:-No person shall be eligible for appointment to the post of Sub-Inspector of Police(Technical),unless he possess the following



qualification, namely:-

(1) A second class diploma in Electronics and Communication Engineering awarded by the State Board of Technical Education, Tamil Nadu

or

A degree (B.E.B.Tech) in Electronics and Communication Engineering.

8. From the qualification as cited supra, the respondents are not having any interest in prescribing B.SC(Electronics)/B.SC (Computer Science) as qualification. It cannot be said that there is a discrimination insofar as qualification is concerned, as it is for the department to decide as to the qualification required for the particular post. The contention of the Petitioner, that the subject that he has undergone in B.SC (Electronics and Communication) and the syllabus prescribed in Diploma in Electronics and Communication are one and the same, cannot be accepted as the Petitioner has not produced any document to show about the qualification. There is no Equivalent Certificate produced in this regard. Hence I am of the view that there is no discrimination. There is no arbitrariness on the part of the respondent in fixing the qualifications in Advertisement No.1/2018, dated 11.7.2018. The impugned notification cannot be treated as illegal and as such, the relief sought for by the Petitioner cannot be granted.

9. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai - 600 008.
2. The Director General of Police,
Office of the Director General of Police,
Chennai-4.

+ 1 CC TO Mr.R.VENKATESAN, ADVOCATE IN SR No. 77811
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78131

VSN

TE/SKN/SAR-1 : 07/09/2018 : 4P/5C

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

order made in

W.P.(MD) No.17658 of 2018 and

W.M.P(MD) Nos.15539 and 15540 of 2018

09.08.2018