

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.9135 of 2013
and
M.P.No.2 of 2013

C.Rathinasamy

... Petitioner

Vs

1.The Member Secretary,
Tamilnadu Public Service Commission,
No.1, Greams Road,
Chennai - 600 006.

2.The State of Tamilnadu,
represented by its Secretary
to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

3.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, with holding the result of the petitioner for the post relating to the posts included in Combined Subordinate Services Examinations-I, 2010, and examinations held on 30-07-2011, by the first respondent to quash the same and consequently direct the 1st respondent to consider the petitioner for the suitable post.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.M.Loganathan for R1

Mr.P.Raja,
Government Advocate for R2

Mr.K.Sathishkumar for R3

O R D E R

The instant writ petition is one for a writ of certiorarified Mandamus to call for the records relating to the impugned order, with holding the result of the petitioner in the Combined Subordinate Services Examinations-I, 2010, and examinations held on 30-07-2011, quash the same and consequently direct the 1st respondent to consider the petitioner for a suitable post.

2.An advertisement was issued calling for applications for direct recruitment to the posts included in the Combined Subordinate Services Examinations-I, 2010. The examinations were held on 30.07.2011. The minimum qualification required for appointment to the said posts was graduation. In the OMR sheet, against the column 14(b), the petitioner had stated that he holds a Post Graduate Degree. Based on the statement, the petitioner was asked to appear in the examination. The petitioner appeared in the examination. When he was called for certificate verification, it was found that the petitioner had done Post Graduation Course from the Annamalai University, without doing his graduation. The result of the petitioner was withheld by the impugned order and the same is under challenge in the instant writ petition.

3.The first respondent has filed a counter stating that in the advertisement by which applications have been invited for appointment to the posts included in the CSSE-I, the education qualification required for the various posts were announced. Paragraph No.4(B) of the said notification, reads as under;

"The qualification prescribed for these posts should have been obtained by passing the required qualification in the order of studies 10th, HSC, UG Degree, PG Degree."

4.It is therefore contended that the petitioner does not possess the valid qualification to be appointed to the posts included in the CSSE-I.

5.Heard, the learned counsel for both sides.

6.The learned counsel for the petitioner would state that the petitioner joined B.A, History course in Government Arts College, Dharmapuri and after completing his first year, he left the course and joined the Indian Army. He served in the Indian Army for about 10 years and obtained voluntary retirement. On his return he joined a Post Graduate Course under the open university system with the Annamalai University and got a M.A, Public Administration Degree. The petitioner's counsel would state that once he has obtained a higher degree, he is qualified to take part in the examination and he is eligible to be appointed in the posts included in CSSE-I.

7.On the other hand, the learned counsel for the respondents would contend that the notification specifically states that a candidate must have passed the 10th, HSC, UG Degree, PG Degree in that order and only when a candidate obtains a valid graduation degree he would be eligible to be appointed to the posts included in CSSE-I examination. He would contend that merely passing the Post Graduation degree, under open university system, without having a valid Under Graduation degree would render the petitioner ineligible to be considered for appointment.

8.Admittedly, the petitioner does not have a valid Under Graduation degree. He has joined the open university system in the Annamalai University and has obtained a Post Graduation Degree for the purpose of eligibility to be appointed in the posts included in the CSSE-1 examination. According to the Government a candidate in order to be eligible to be considered for posts included in CSSE-1 has to pass X, XII, Graduation and post graduation. A candidate must possess a valid Graduation Degree. Possessing a Post Graduation Degree under the open university system without getting a valid graduation degree will not make the candidate eligible for appointment to the posts included in the CSSE-1 examination. The petitioner does not have the prescribed qualification in the manner stipulated in the notification.

9. There is no merit in the writ petition. The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

tsg
To

1. The Member Secretary,
Tamilnadu Public Service Commission,
No.1, Greams Road,
Chennai - 600 006.

2. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.

+1 cc to Mr.M.Loganathan Advocate sr92752
+1 cc to Mr.C.Prabakaran Advocate sr92196
+1 cc to Mr.K.Sathish kumar Advocate sr92413
+1 cc to Government Pleader High Court Madras sr 93070

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