

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

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

WMP Nos.9259 & 9267 of 2019

in WP Nos.8700 & 8703 of 2019

1 SRIDHAR SIVAKUMAR [PETITIONERS IN WMP.9259/2019]
2 RAJASANKAR,
3 SIVAKUMAR THIRAVIYAM,
4 SARANYA DEIVASIGAMANI,
5 S.RAMESH,

6 AJAY MANAKSHAW,
7 V.GNANASEKARAM,
8 P.THALAISELVAM,
9 MEIYAPPAN,

JAGADEESH [PETITIONER IN WMP.9267/2019]
Vs

1 STATE GOVERNMENT OF TAMIL NADU [RESPONDENTS IN BOTH THE
REP. BY SECRETARY, PETITIONS]
DEPARTMENT OF HIGHER EDUCATION,
ST. GEORGE FORT, CHENNAI

2 TAMIL NADU POLLUTION CONTROL
BOARD,, REP. BY ITS SECRETARY,
76, ANNA SALAI, GUINDY, CHENNAI

3 DIRECTORATE OF ENVIRONMENT,
REP. BY ITS DIRECTOR, PANAGAL BUILDING
NO. 1, JENNITH ROAD, SAIDAPET, CHENNAI

4 TAMIL NADU PUBLIC SERVICE
COMMISSION,, REP.BY ITS CHAIRMAN,
SRAJER ROAD, BOC NAGAR, PARK TOWN, CHENNAI

5 ANNA UNIVERSITY,
REP. BY ITS VICE CHANCELLOR,
GUINDY, CHENNAI - 25

Petitions praying that in these circumstances stated
therein and in the respective affidavits filed therewith the High
Court will be pleased to

(1) grant an ad-interim Direction directing TNPCB to receive the applications of the petitioners with basic educational qualification in B.E. Environmental Engineering and permit them to participate in the recruitment to the post of Asst. Engineer Pursuant to the Notification dated 06.03.2019 issued by TNPCB the 2nd respondent (in WMP.9259/2019) and

(2) To grant an ad interim Direction Directing TNPCB to receive the applications of the petitioner with basic educational qualification in B.E Environmental Engineering and permit them to participate in the recruitment to the post of Asst. Engineer pursuant to the Notification dated 06/03/2019 issued by TNPCB, (in WMP.9267/2019) respectively pending WP.Nos.8700 & 8703 of 2019.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.B.SARASWATI, Advocate for the petitioner in WMP.9259/2019 and of MR.J.SRINIVASA MOHAN Advocate for M/S.TVJ ASSOCIATES for the petitioner in WMP.9267/2019 and of MR.V.KADHIRVELU SPL.GOV.T.PLEADER for the 1st respondent and of MR.ABDUL SALEEM Advocate for the respondents 2 & 3 and of MR.M.LOGANATHAN Advocate for the 4th respondent and of MR.M.VIJAYAKUMAR Advocate for the 5th respondent in both the petitions the court made the following order:-

The reliefs sought for in these miscellaneous direction petitions are for a direction to the Tamil Nadu Pollution Control Board (TNPCB) to receive the applications of the writ petitioners with basic educational qualification in B.E. Environmental Engineering and permit them to participate in the recruitment to the post of Assistant Engineer pursuant to the Notification dated 6.3.2019 issued by the Tamil Nadu Pollution Control Board (TNPCB)/ second respondent.

2. The learned counsels, appearing on behalf of the writ petitioners, state that as per Recruitment Notification issued by the second respondent/Tamil Nadu Pollution Control Board, the qualifications prescribed for appointment to the post of Assistant Engineer are as follows:-

Name of the Post	Qualification
Assistant Engineer	I. Basic Qualification should be a Bachelor's Degree in Civil Engineering or Chemical Engineering, and II. Master's Degree in Environmental Engineering / Chemical Engineering / M.Tech. Environmental Science and Technology awarded by Anna University / M.Tech. Petroleum Refining and Petrochemical awarded by Anna University / M.E. Environmental Management awarded by Anna University.

3. Basic qualification should be Bachelor's Degree in Civil Engineering or Chemical Engineering and Master's Degree in Environmental Engineering / Chemical Engineering / M.Tech. Environmental Science and Technology awarded by Anna University / M.Tech. Petroleum Refining and Petrochemical awarded by Anna University / M.E. Environmental Management awarded by Anna University.

4. The only argument advanced in this regard is that all the writ petitioners are possessing Bachelor's Degree in Environmental Engineering as well as Master's Degree in Environmental Engineering.

5. The respondents followed the basic qualification of Bachelor's Degree in Civil Engineering or Chemical Engineering based on the old Rules and after the introduction of the new Bachelor's Degree, the Course in Environmental Engineering, the rules were not amended suitably, so as to provide opportunities to the candidates to participate in the process of selection in Environmental Engineering, which would be more suitable with reference to the Master's Degree qualification prescribed as an Environmental Engineering.

6. It is contended that the candidates, who possess the Bachelor's Degree in Environmental Engineering and Master's Degree in Environmental Engineering would be the appropriate persons for getting appointment to the post of Assistant Engineer. In view of the fact that the respondents have not amended the Rules after the introduction of the new Engineering Course to the M.E. Environmental Engineering, the writ petitioners cannot be made to suffer. The opportunities of public employments are being denied on account of the such act of the respondents in not updating the educational qualifications suitable in the Service Rules.

7. Under these circumstances, this Court is inclined to direct the respondents to permit the writ petitioners to participate in the process of selection for appointment to the post of Assistant Engineer. However, the said selection is subject to

the final orders to passed in these writ petitions and adjudication of the issues.

8. Accordingly, the miscellaneous petitions stand disposed of.

-sd/-
12/04/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY
THE GOVERNMENT OF TAMILNADU, DEPARTMENT OF
HIGHER EDUCATION, ST. GEORGE FORT, CHENNAI

2 THE SECRETARY
TAMIL NADU POLLUTION CONTROL BOARD,
76, ANNA SALAI, GUINDY, CHENNAI

3 THE DIRECTOR
DIRECTORATE OF ENVIRONMENT,
PANAGAL BUILDING NO. 1, JENNITH ROAD,
SAIDAPET, CHENNAI

4 THE CHAIRMAN
TAMIL NADU PUBLIC SERVICE COMMISSION,,
SRAJER ROAD, BOC NAGAR, PARK TOWN, CHENNAI

5 THE VICE CHANCELLOR
ANNA UNIVERSITY, GUINDY, CHENNAI - 25.

C.C. to M/S.B.SARASWATI Advocate SR.Nos.5359 & 5360

C.C. to M/S.TVJ ASSOCIATES Advocate on payment of necessary charges

WEB COPY

Order

in

WMP.9259 & 9267/2019

in

WP.8700 & 8703/2019

Date :12/04/2019

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VS 23.04.2019

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