

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.25404, 27282, 27398, 27403 and 27406 of 2019
and

W.M.P.Nos.26389, 26391, 26707, 26708, 26853, 26856,
26860, 26862, 26865 & 26866 of 2019

J.Jeevitha ...Petitioner
(in W.P.No.25404 of 2019)

S.Nishanthe ...Petitioner
(in W.P.No.27282 of 2019)

K.Vinitha ...Petitioner
(in W.P.No.27398 of 2019)

S.Srimurali ...Petitioner
(in W.P.No.27403 of 2019)

S.Amsaveni ...Petitioner
(in W.P.No.27406 of 2019)

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

2.The Commissioner,
Department of Social Defence,
Old No.153, New No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

3.The Chairperson, Equivalence Committee,
Secretary to the Government,
Higher Education Department,
Secretariat, Chennai - 600 009.

4.Member-Secretary,
Tamil Nadu State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai, Triplicane,
Chennai - 600 005.

... Respondents
(in all W.Ps)

Prayer in W.P.No.25404 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the rejection of the Petitioner's candidature in Memo No.6756/OTD-C2/2016 dated 07.08.2019 issued by the 1st Respondent; permit the Petitioner to participate in the oral test and subsequent selection process and consider her candidature and application for the post of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing); Assistant Superintendent of Schools in Social Defence department (Women's Wing) (Post Code: 2078) and Assistant Superintendent of Vigilance Institution in Social Defence Department (Post Code: 2086) as advertised in Notification No.10/2019 dated 15.02.2019 accepting her MA degree in Criminology and Criminal Justice Administration as sufficient educational qualification.

Prayer in W.P.No.27282 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the rejection of the Petitioner's candidature in Memo No.6756/OTD-C2/2016 dated 07.08.2019 issued by the 1st Respondent; permit the Petitioner to participate in the oral test and subsequent selection process and consider her candidature and application for the post of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing); Assistant Superintendent of Schools in Social Defence department (Women's Wing) (Post Code: 2078) and Assistant Superintendent of Vigilance Institution in Social Defence Department (Post Code: 2086) as advertised in Notification No.10/2019 dated 15.02.2019 accepting her M.Sc degree in Criminology and Criminal Justice Science as sufficient educational qualification.

Prayer in W.P.No.27398 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the rejection of the Petitioner's candidature in Memo No.6756/OTD-C2/2016 dated 07.08.2019 issued by the 1st Respondent and direct the 1st respondent to permit the Petitioner to participate in the oral test and subsequent selection process and consider her candidature and application for the post of

Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing); Assistant Superintendent of Schools in Social Defence department (Women's Wing) (Post Code: 2078) and Assistant Superintendent of Vigilance Institution in Social Defence Department (Post Code: 2086) as advertised in Notification No.10/2019 dated 15.02.2019 accepting her B.Sc degree in Psychology and M.Sc degree in Applied Psychology as sufficient educational qualification.

Prayer in W.P.No.27403 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the rejection of the Petitioner's candidature in Memo No.6756/OTD-C2/2016 dated 07.08.2019 issued by the 1st Respondent and direct the 1st respondent to permit the Petitioner to participate in the oral test and subsequent selection process and consider his candidature and application for the post of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing) (Post Code: 2078) as advertised in Notification No.10/2019 dated 15.02.2019 accepting his M.A degree in Criminology and Police Administration as sufficient educational qualification.

Prayer in W.P.No.27406 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the rejection of the Petitioner's candidature in Memo No.6756/OTD-C2/2016 dated 07.08.2019 issued by the 1st Respondent and direct the 1st respondent to permit the Petitioner to participate in the oral test and subsequent selection process and consider her candidature and application for the post of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing); Assistant Superintendent of Schools in Social Defence department (Women's Wing) (Post Code: 2078) and Assistant Superintendent of Vigilance Institution in Social Defence Department (Post Code: 2086) as advertised in Notification No.10/2019 dated 15.02.2019 accepting her B.Sc and M.Sc degrees in Psychology as sufficient educational qualification.

For Petitioner
(in W.P.Nos.25404 & 27282 of 2019) : Ms.R.S.Akila

For Petitioner
(in W.P.Nos.27398, 27403 & 27406 of 2019): Ms.Sudha Ramaligam

(in all W.Ps)
For R1 : Mr.M.Devendiran
Standing Counsel for TNPSC

For R2

: Mr.R.S.Selvam
Government Advocate

For R3 and for R4

in W.P.25404/19, 27282/19, 27398/19,
27403/19 and W.P.27406/19: Mr.V.Vadivelu
Special Government Pleader

C O M M O N O R D E R

These Writ Petitions are filed challenging the memo issued by the first respondent bearing No.6756/OTD-C2/2016 dated 07.08.2019 and to direct the first respondent to permit the petitioners to participate in the oral test and subsequent selection process and consider their candidature and applications for the post of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing); Assistant Superintendent of Schools in Social Defence department (Women's Wing) (Post Code: 2078) and Assistant Superintendent of Vigilance Institution in Social Defence Department (Post Code: 2086) as advertised in Notification No.10/2019 dated 15.02.2019 by accepting their respective degrees as sufficient educational qualification.

2.The learned counsel for the petitioners would submit that the qualification prescribed for the post of Assistant Superintendent of Approved Schools (Men's Wing) is a Master's degree in Criminology or Forensic Science or B.A. Degree in Psychology or in Philosophy with Psychology as one of the subjects of study, for the post of Assistant Superintendent of Approved Schools (Women's Wing), a Master's degree in Criminology or Forensic Science or B.A. Degree in Psychology or in Philosophy with Psychology as one of the subjects of study and for the post of Assistant Superintendent of Vigilance Institutions, a Master's degree in Criminology or Forensic Science or B.A. Degree in Psychology or in Philosophy with Psychology as one of the subjects of study. Other things being equal, preference shall be given to candidates who have had training in correctional work in any School of Social Work or Experience in the education of children or experience in management of Children's Homes especially of Juvenile delinquents. In the present case, the petitioner in W.P.No.25404 of 2019 had studied M.A. degree in Criminology and Criminal Justice Administration, petitioner in W.P.No.27282 of 2019 had studied M.Sc degree in Criminology and Criminal Justice Science, petitioner in W.P.No.27398 of 2019 had studied B.Sc degree in Psychology and M.Sc degree in Applied Psychology, petitioner in W.P.No.27403 of 2019 had studied M.A degree in Criminology and Police Administration and the petitioner in W.P.No.27406 of 2019 had studied B.Sc and M.Sc degrees in Psychology. All those

degrees obtained by the petitioners are not mentioned in the notification. However, these degrees are equivalent to the degrees mentioned in the notification. The learned counsel for the petitioners would further submit that though the petitioners obtained equivalent certificate from the University of Madras prior to the notification, they are seniors as on 19.02.2019. Hence the learned counsel for the petitioners requesting this Court to permit the petitioners to participate in the selection process and prayed for allowing all these Writ Petitions.

3.Mr.M.Devendiran, Standing Counsel for TNPSC submitted that though the several persons participated in the selection process for the above said posts, however the said notification clearly mentioned the educational qualification, the petitioners have not obtained the educational qualification and the equivalent certificate obtained by them was not produced prior to the notification. In this aspect, considering the hardship faced by the candidates, the Tamil Nadu Public Service Commission itself sent a letter to the concerned Authority on 22.03.2019 and requested the concerned Authority to furnish the detailed views/remarks with unit-wise comparative statement and percentage of similarity between the said courses may be offered to the Commission early, so as to place the subject matter before the Equivalence Committee for its recommendations. However, the respective persons, namely, the Professor and Head, Department of Criminology, University of Madras, Chennai - 600 005, the Professor and Head, Department of Criminology and Criminal Justice, Manonmaniam Sundaranar University, Tirunelveli - 627 012 and the Chairman, The Indian Society of Criminology, Department of Criminology, University of Madras, Chennai - 600 005, till date they did not reply anything. As soon as reply received from the experts, the concerned Authority have to issue a Government Order. Immediately after issuing the Government Order, the petitioners will be considered for next selection process.

4.In view of the view expressed by the learned Standing Counsel for TNPSC, I am inclined to issue a direction to the Tamil Nadu Public Service Commission to obtain necessary details from the respective persons before issuing the next selection process and allow the petitioners to participate in the next selection process, if they obtained equivalent certificate in the form of Government Order. Therefore, I am issuing direction to the third respondent to obtain a clear view of the expert body in the form of Government Order if the petitioners satisfied the norms as if the post is equivalent to M.A. Degree in Criminology and they are entitled to participate in the next selection process.

5.With the above direction, all the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.
- 2.The Commissioner,
Department of Social Defence,
Old No.153, New No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.
- 3.The Chairperson, Equivalence Committee,
Secretary to the Government,
Higher Education Department,
Secretariat, Chennai - 600 009.
- 4.Member-Secretary,
Tamil Nadu State Council for Higher Education,
Lady Willingdon College Campus,
Kamarajar Salai, Triplicane,
Chennai - 600 005.

+1cc to the Government Pleader Sr.80758, 80757

+1cc to Mr.M.Devendran, Advocate Sr.80530

+5cc to Ms.Sudha Ramalingam, Advocate Sr.81254

W.P.Nos.25404, 27282, 27398, 27403
and 27406 of 2019

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srg 26/11/2019