

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 28966 of 2019

and

W.M.P.Nos.28716 and 28717 of 2019

B. Arunkumar

..Petitioner

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, Park Town,
Chennai - 600 003.

2. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai - 600 003.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the impugned proceedings of the 2nd respondent dated 24.09.2019 quash the same insofar as it relates to the petitioner stating that the petitioner with Registration No. 010001036 does not satisfy the eligibility condition and direct the respondents to allow the petitioner to appear for the oral test for the post of Assistant Superintendent of Approved Schools (Men's Wing) in Tamil Nadu Social Defence Subordinate Service based upon the Advertisement No. 539, Notification No. 10/2019 dated 15.02.2019.

For Petitioner : M/s.D.Jayasingh

For Respondents : M/s.P.Kavitha, Government Advocate.

ORDER

The Writ Petition is filed to call for the impugned proceedings of the 2nd respondent dated 24.09.2019 quash the same insofar as it relates to the petitioner stating that the petitioner with Registration No. 010001036 does not satisfy the

eligibility condition and direct the respondents to allow the petitioner to appear for the oral test for the post of Assistant Superintendent of Approved Schools (Men's Wing) in Tamil Nadu Social Defence Subordinate Service based upon the Advertisement No. 539, Notification No. 10/2019 dated 15.02.2019.

2.The learned counsel for the petitioner 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. In the present case, the petitioner had studied BSc Information System Management, University of Madras and PG Degree in Criminology and Criminal Justice Administration of the Madras University. The said degrees obtained by the petitioner are not mentioned in the notification. However, these degrees are equivalent to the degrees mentioned in the notification. The learned counsel for the petitioner would further submit that though the petitioner obtained equivalent certificate from the University of Madras prior to the notification, he they are seniors as on 19.02.2019. Hence the learned counsel for the petitioner requesting this Court to permit the petitioner to participate in the next selection process and prayed for allowing the Writ Petition.

3.Mrs.P.Kavita, learned Standing Counsel for TNPSC submitted that several persons have participated in the selection process for the above said post and in the said notification it has been clearly mentioned the educational qualification. The petitioner has not possess the educational qualification as prescribed in the said notification and the equivalent certificate obtained by them was not 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. But so far, no reply has been received from the concerned 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. The learned Standing

Counsel further submits that as soon as reply received from the experts, the concerned Authority will issue a Government Order and immediately after issuing the Government Order, the petitioner will be considered for next selection process.

4. In view of the submissions made 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 petitioner 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 and if the petitioner satisfies the norms as if the post is equivalent to M.A. Degree in Criminology, the petitioner will be entitled to participate in the next selection process.

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

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai - 600 003.
2. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai - 600 003.

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EV(CO)
CB(04/12/2019)