

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29333 of 2019

And

W.M.P.No.29141 of 2019

S.P.Ranjith Kumar

... Petitioner

Vs.

1.The Secretary

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

2.The Controller of Examination,

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to permit the petitioner to participate in the oral test and subsequent selection process for the post of Assistant Superintendent of approved Schools in Social Defence Department (Post Code 2078) to be appointed pursuant to notification dated 15.02.2019 in Notification No.10/2019, accepting his Master Decree in Criminology and Criminal Justice Administration as sufficient educational qualification.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.M.Loganathan

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the first respondent to permit the petitioner to participate in the oral test and subsequent selection process for the post of Assistant Superintendent of approved Schools in Social Defence Department (Post Code 2078) to be appointed pursuant to Notification dated 15.02.2019 in

Notification No.10/2019, accepting his Master Decree in Criminology and Criminal Justice Administration as sufficient Educational Qualification.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the Tamil Nadu Public Service Commission issued Notification No.10 of 2019 dated 15.02.2019, calling for applications through online, for the Posts of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing) (2011-2017), Assistant Superintendent of Approved Schools in Social Defence Department (Women's Wing) (2011-2017) and Assistant Superintendent of Vigilance Institutions in Social Defence Department (2016-2017).

4.The learned counsel appearing for the petitioner would further submit that the Educational 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) 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; and for the Post of Assistant Superintendent of Vigilance Institutions 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. 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.

5.The learned counsel appearing for the petitioner would further submit that the petitioner applied for the Post of Assistant Superintendent of Approved Schools in Social Defence Department (Men's Wing) (2011-2017). The petitioner had completed Master Degree in Criminology and Criminal Justice Administration at University of Madras. The Degree obtained by the petitioner is not mentioned in the Notification. However, the Degree obtained by the petitioner is equivalent to the Degrees mentioned in the Notification.

6.The learned counsel appearing for the petitioner would further submit that though the petitioner obtained equivalent Certificate from the University of Madras prior to the Notification, he is senior as on 19.02.2019. Hence the learned

counsel appearing for the petitioner requests this Court to permit the petitioner to participate in the selection process and prayed for allowing the writ petition.

7.The learned counsel appearing for the Tamil Nadu Public Service Commission would submit that though several persons participated in the selection process for the above said Posts, however the said Notification clearly mentioned the Educational Qualification. The petitioner has not obtained the Educational Qualification and the equivalent Certificate obtained by him 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.

8.The learned counsel appearing for the Tamil Nadu Public Service Commission would further submit that 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, had not replied till date. He would further submit that as soon as the reply is received from the Experts, the concerned Authority have to issue Government Order. Immediately after issuance of the Government Order, the petitioner will be considered for next selection process.

9.In view of the view expressed by the learned counsel appearing for the Tamil Nadu Public Service Commission, I am inclined to issue 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 he obtained equivalent Certificate in the form of Government Order. Therefore, I am issuing direction to the Chairperson, Equivalence Committee, Secretary to the Government, Higher Education Department, Secretariat, Chennai, to obtain a clear view of the Expert body in the form of Government Order. If the petitioner satisfied the norms as if the Master Degree he obtained is equivalent to Master Degree in Criminology, he is entitled to participate in the next selection process.

10.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//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 Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

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

+1cc to Mr.S.Saravanan, Advocate Sr.85802
+1cc to Mr.M.Loganathan, Advocate Sr.85921

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