

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No. 29961 of 2019
and
W.M.P. No. 29865 of 2019

P.Prabhu

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Opp.to MMC Boys Hostel,
Park Town, Chennai 600 003.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Opp.to MMC Boys Hostel,
Park Town, Chennai 600 003.

3.The Controller of Examinations
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Opp.to MMC Boys Hostel,
Park Town, Chennai 600 003.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First to Third Respondents to treat the Petitioner as being qualified for the post of Draughtsman, Grade-III in the Town and Country Planning Department.

For Petitioner : Mr. K.S. Karthik Raja

For Respondents : Mr. M. Loganathan (for TNPSC)

O R D E R

The Petitioner has filed this writ petition, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Pro. No. Memo No.183/SC/CDCII/ADM/A3/FDP/07 dated 11.07.2007 by the Fourth Respondent and to quash the same and consequently direct the Respondents to reinstate the Petitioner.

2. The learned counsel for the Petitioner would submit that the Petitioner is a degree holder in Civil and Rural Engineering and he has also completed B.E. Degree in Civil Engineering and as such he is qualified for the post of Draughtsmen, Grade-III in the Town and Country Planning Department as advertised by the Respondents and the Respondents permitted the Petitioner to write the written examination on being satisfied with regard to the qualification and the eligibility of the Petitioner and on verification of the certificates produced by the Petitioner and thereafter he was short-listed for oral test and he was directed to appear for the same on 16.09.2019. However to his shock and surprise, the Petitioner was not permitted to participate in the oral test on the ground that his Diploma in Civil and Rural Engineering is not valid.

3. The learned counsel would point out that by virtue of G.O.Ms.No. 514, dated 15.04.1971 his Diploma is valid since the said Government Order recognized Diploma in Civil and Rural Engineering awarded by the National Council for Rural Higher Education as equivalent to Diploma in Civil Engineering awarded by the State Board of Technical Education and Training, Tamil Nadu. Therefore, the learned counsel would implore this Court to direct the Respondents to issue direction to the Respondents as prayed for.

4. Mr. M. Loganathan, learned Standing Counsel appearing for the TNPSC has filed Counter Affidavit and reiterate the averments made therein stating that the application made by the Petitioner pursuant to the notification for the post of Draughtsmen, Grade-III has been rejected on the sole ground that the Diploma possessing by the Petitioner in Civil and Rural Engineering awarded by the National Council for Rural Higher Education is not valid. He would also point out that the Petitioner has cleverly mentioned in his original application by only mentioning his qualification as Diploma in Civil Engineering and suppressed the fact that it was not awarded by the State Board of Technical Education and Training, Tamil Nadu and the Diploma certificates in Civil Engineering issued by the State Board of Technical Education and Training, Tamil Nadu alone are valid and therefore based on this the application of the Petitioner has been rightly rejected. The learned Standing Counsel would also point out that the Petitioner has not produced the copy of the G.O.Ms.No.514, dated 15.04.1971 which granting to him recognized the Diploma in Civil and Rural Engineering awarded by the National Council for Rural Higher Education is equivalent to Diploma in Civil Engineering issued by the State Board of Technical Education and Training, Tamil Nadu. Therefore, since the Petitioner has not made out any case for grant of relief as sought for in the Writ Petition, he is not

entitled to the relief and accordingly the learned counsel sought for dismissal of the writ petition.

5. Admittedly, the Petitioner has not possessed Diploma in Civil Engineering issued by the State Board of Technical Education and Training, Tamil Nadu but he has possessed Diploma in Civil and Rural Engineering issued by the National Council for Rural Higher Education and therefore he has not fulfilled eligibility criteria in respect of the Educational Qualification possessed by the Petitioner. Therefore on this ground, the Petitioner was not permitted to appear for oral test. These reasons have been specifically mentioned in the Counter Affidavit in Paragraphs (4), (6), (7), (8) and (9) and it is relevant to extract the same as under:

"4. It is submitted that the Commission had invited applications vide Notification No.30/2018 dated 30.10.2018 to the post of Draughtsman, Grade-III in the Town and Country Planning Department for selecting 53 candidates for appointment by direct recruitment in the vacancies for the year 2017-2018. The Written Examination was held on 03.02.2019 FN & AN. The Oral Test for the said post was held on 16.09.2019 & 17.09.2019 FN & AN.

6. It is submitted that in the online application for this recruitment the following dropdowns were given in the Educational Qualification fields under the head Diploma in Civil Engineering/Architectural Assistantship.

- Diploma in /Architectural Assistantship
- Diploma in Civil Engineering
- Other equivalent Diploma Course

If the candidate not having Diploma in Architectural Assistantship or Diploma in Civil Engineering have to chosen the other equivalent Diploma Course and furnish the details in the following sub titles viz.

- If other equivalent Diploma Course specify the Diploma Course
- Proof for Equivalence
- G.O Number
- Date of issuance of G.O

7. It is further submitted that the Petitioner was summoned to the Oral Test on 16.09.2019 A.N. While scrutinizing the documents with claim made in the online application of the said Petitioner, it has been found that the candidate does not possess the Educational Qualification as claimed in online application viz. Diploma in Civil Engineering, instead of that the Petitioner

produced the certificate of Diploma in Civil and Rural Engineering awarded by State Board of Technical Education and Training. The Petitioner has not produced the evidence for equivalence of Educational Qualification in the form of Government Order issued on or before the date of notification (Viz 30.10.2018) even at the time of Oral Test ie., on 16.09.2019 A.N and in his letter dated 16.09.2019 has declared that, he did not have any equivalent Government Order and also declared that he will abide any decision taken by the Commission (copy enclosed). Hence his application for the said post was rejected and not considered for further stage of selection.

8. The G.O.Ms.No.514, dated 15.04.1971 which was mentioned in Para 6 of the writ petition states that the Diploma in Civil and Rural Engineering awarded by the National Council for Rural Higher Education is equivalent to a Diploma in Civil Engineering issued by the State Board of Technical Education and Training, Tamil Nadu. The candidate has not produced the Government Order stating that the Diploma in Civil and Rural Engineering issued by the State Board of Technical Education and Training is equivalent to the Diploma in Civil Engineering issued by State Board of Technical Education and Training.

9. It is further submitted that in G.O.Ms.No.22, Higher Education (B1) Department, dated 12.01.2017 (Copy enclosed) it has been stated that Diploma in Mechanical and Rural Engineering awarded by State Board of Technical Education and Training is equivalent to Diploma in Mechanical Engineering. In such a way, there is no G.O. regarding whether Diploma in Civil and Rural Engineering awarded by State Board of Technical Education and Training is equivalent to Diploma in Civil Engineering."

6. A perusal of the notification, it reveals the Educational Qualification prescribed for the post of Draughtsman, Grade-III are that

- (i) Must possess a Post Diploma in Town and Country Planning awarded by the Government of Tamil Nadu (or)
- (ii) Must possess a Diploma in Civil Engineering awarded by the State Board of Technical Education and Training (or)
- (iii) Must possess a Diploma in Architectural Assistantship awarded by the State Board of Technical Education and

Training (or)
(iv) Any other Qualification Equivalent to the qualifications mentioned in (ii) and (iii) above.

7. As regards the qualification possessed by the Petitioner is concerned the Petitioner has not fulfilled criteria as mentioned in clause 1 to 3 above and he would come with in the Fourth Category ie., any other qualification equivalent to the qualifications mentioned (2) and (3) above and admittedly the Petitioner has not produced equivalent certificate nor possessed the required qualification, the Respondents have rightly rejected his candidature and not permitted him to participate in the Oral Test. Therefore, this Court does not find any illegality or irregularity in rejection of the candidature of the Petitioner. For the forgoing reasons, the Writ Petition fails and the same is dismissed. No costs. Consequently, Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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+lcc to Mr.K.S.Karthik Raja, Advocate SR.92088
+lcc to Mr.Loganathan, Advocate SR.91567

W.P. No. 29961 of 2019
and
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SSI(CO)
CB(20/12/2019)