

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34518 of 2019

and

WMP Nos.35228, 35230 & 35231 of 2019

S.Anandhi

... Petitioner

.Vs.

- 1.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town,
Chennai 600 003.
- 2.The Agricultural Production Commissioner
And Principal Secretary to Government,
Agricultural Department,
Namakkal Kavignar Maaligai,
Fort St.George,
Chennai 600 009.
- 3.The Chairman,
State Board of Technical Education and Training,
Department of Technical Education,
Chennai-600 025.

सत्यमेव जयते... 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 records relating to the impugned memorandum No.1081/PSD-E1/2018 dated 05.11.2019 issued by the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to appoint the petitioner as per the registration No.020001134 in the Post of Agricultural Officer 2016-2019 in the Tamil Nadu Agricultural Extension Subordinate Service.

For Petitioner : Mr.C.M.Arumugam

For R 1 : Mr.M.Devendran
Standing Counsel

For R 2 & R 3 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the rejection of the candidature of the petitioner to participate in the selection to the post of Assistant Agricultural Officer.

2.The Tamil Nadu Service Commission issued a notification calling for applicants for the post of Assistant Agricultural Officer. The notification Clause 6(B) prescribed the following qualifications.

1.Must have passed Higher Secondary (Plus two) Examination;

2.Must possess two years Diploma in Agriculture from the Institution recognized by the Government of Tamil Nadu or affiliated with the Tamil Nadu Agricultural University; or Gandhigram Rural Institute, Dindigul District; or any other institution under the control of the Commissioner of Agriculture;"

3.The petitioner has completed a course from the State Board of Technical Education and Training which is a three year course of diploma in Agricultural Technology. The petitioner applied for the selection on the basis of this certificate. The candidature of the petitioner has been rejected on the ground that the petitioner does not possess the qualification as prescribed under Clause 6(B)(ii) of the notification.

4.The learned counsel for the petitioner submitted that the petitioner has undergone a three year course and has obtained a diploma in Agricultural Technology and according to the learned counsel, the said course is equivalent to two year diploma course in Agricultural Technology that has been prescribed in the notification. The learned counsel submitted that syllabus for both the diplomas is the the same and the respondent Tamil Nadu Public Service Commission went wrong in rejecting the candidature.

5.Per contra, Mr.M.Devendran, learned Standing Counsel appearing for 1st respondent and Mr.P.S.Sivashanmugasundaram,

learned Special Government Pleader appearing on behalf of the respondents 2 & 3, submitted that the candidate must possess the qualification as stipulated under the notification. If any candidate possess a different qualification and wants the same to be treated as equivalent, the candidate has to take steps to get a notification issued in that regard. For this purpose, the learned counsel drew the attention of this Court to note (ii) of the notification and the same is extracted hereunder:

"(ii) Applicants claiming equivalence of qualification to the prescribed qualification should upload and submit evidence for equivalence of qualification in the form of G.O. issued prior to the date of this notification when called for, failing which, their application will be summarily rejected. The G.Os regarding equivalence of qualification issued after the date of this notification will not be accepted for this recruitment [Section 25(b) of Tamil Nadu Government Servants (Conditions of Service) Act 14/2016].

(Refer para 10 of the "Instructions to Applicants")

6.The learned counsel further submitted that the Tamil Nadu Public Service Commission had approached the Director of Agriculture and had also sought for a clarification in this regard and the Director of Agriculture has given a clarification by his letter dated 22.07.2019, to the effect that the diploma in Agricultural Technology [three years], certificate issued by the State Board of Technical Education and Training does not come within the purview of the prescribed qualification. In other words, the Director of Agricultural has opined that it is not equivalent to the qualification which has been prescribed under the notification.

7.The learned counsel by pointing out to the relevant Clause in the notification as well as the letter given by the Director of Agriculture, would submit that the diploma that was undergone by the petitioner is not equivalent to the qualification that has been prescribed in the notification.

8.This Court has carefully considered the submissions made on either side and the materials available on record.

9.It is an admitted case that the petitioner is not possessing the diploma qualification as prescribed in the notification. Therefore, unless and otherwise an Equivalence Committee is appointed and the same is gone into and a report is published, the qualification that is possessed by the petitioner

cannot be treated to be equivalent. The notification itself makes it very clear that wherever the applicants are claiming equivalence of qualification to the prescribed qualification, they should submit evidence for equivalence of qualification in the form of G.O., issued prior to the date of the notification. This requirement has not been fulfilled by the petitioner in the present case. That apart the letter of the Director of Agriculture, Chennai, dated 22.07.2019, also makes it clear that the diploma that is possessed by the petitioner is not equivalent to the two year diploma in Agriculture as prescribed in the notification.

10. In view of the above, this Court does not find any grounds to interfere with the impugned memorandum dated 05.11.2019, through which TNPSC has rejected the candidature of the petitioner on the ground of non fulfillment of the educational qualification.

11. In view of the above discussion and finding, this Court is not inclined to entertain this writ petition and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town,
Chennai 600 003.

2. The Agricultural Production Commissioner
And Principal Secretary to Government,
Agricultural Department,
Namakkal Kavignar Maaligai,
Fort St. George,
Chennai 600 009.

3.The Chairman,
State Board of Technical Education and Training,
Department of Technical Education,
Chennai-600 025.

+1cc to the Government pleader Sr.106801
+1cc to Mr.M.Arumugam, Advocate Sr.106659

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ssd[co]
srg 10/02/2020



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