

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 19.03.2019  
CORAM  
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 25472 of 2018  
and  
W.M.P.Nos. 29630, 29634, 29635 of 2018

M/s.P.Thavapriya

..petitioner

Vs

1. The Secretary  
Tamil Nadu Public Service Commission  
Frazer Bridge Road, Near Dental College,  
Chennai - 600 001.

2. K.Muralidharan ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent in connection with his proceedings in Memorandum No. 2772/APD - A 2/2017 dated 11.09.2018 and quash the same and direct the Respondent to consider the candidature of the Petitioner for appointment to the post of Tourist Officer and pass such other orders as this Court may deem fit and necessary in the circumstances of the case.

For Petitioner : Mr.D.Selvam  
For Respondent : Mr.M.Loganathan  
Standing Counsel for TNPSC  
for R1

Mr.L.S.M.Hasan Fizal  
for R2.

WEB COPY  
O R D E R

The order of rejection rejecting the candidature of the writ petitioner in proceedings dated 11.09.2018 is under challenge in the present writ petition.

2. The reasons stated in the impugned order is that the computer qualification possessed by the individual cannot be

considered as equivalent to the qualification in Computer on Office Automation awarded by the Directorate of Technical Education (DOTE), which is mandatory, according to para (5) of the Commission's Notification dated 09.05.2017. Thus the applications submitted by the writ petitioner was rejected.

3. The contentions of the writ petitioner are that he is fully qualified for appointment to the post of Tourist Officer, in pursuant to the notification issued by the Tamil Nadu Public Service Commission on 09.05.2017. The petitioner submitted her application for appointment to the post of Tourist Officer. The petitioner states that she had studied Diploma in Computer on Office Automation conducted by Orchid Soft Systems Private Limited. Further, Under Graduate degree in computer education is included in curricular activities. The writ petitioner had written the Computer on Office Automation paper in the final Semester in the Under Graduate course. For all these reasons, it is stated that the candidature of the writ petitioner ought to have been considered.

4. However, the petitioner admits that she is not possessing the qualification of certificate Course in Computer on Office Automation awarded by the Directorate of Technical Education or its equivalent. In view of the fact that the educational qualification prescribed under the notification dated 09.05.2017, has not been possessed by the writ petitioner, her application was rejected.

5. Under these circumstances, this Court is of the opinion that there cannot be any compromise in respect of the educational qualifications prescribed as per the recruitment notifications. The authorities competent are bound to follow the educational qualifications prescribed in the notification. The Courts have reiterated the principle that the terms and conditions as regards the educational qualifications prescribed in the Recruitment Notification, must be scrupulously followed by the competent authorities, while scrutinizing the applications and at the time of considering them for recruitment to the post notified. Thus, there cannot be any leniency in the matter of considering the educational qualifications prescribed in the Notification.

6. The learned counsel for the writ petitioner states that she has studied computer on Office automation Course and also appeared in the Semester examination, wherein the course is prescribed.

7. However, all such details regarding their education deserves no consideration, in view of the fact that the qualification prescribed alone must be considered for the

purpose of candidature of the persons who all are submitted an application to the post of Tourist Officer. This apart, regularisation of qualification and equivalence of course can never be granted by the Courts. The competent committee constituted under the rules must recommend to the Government for equivalent course and for regularisation of qualification and such a recommendation must be accepted by the Government only, with an order of equivalence of course and degrees granted by various Universities across the country. The Court cannot grant equivalence and otherwise, in respect of various qualifications possessed by the respective candidates.

8. This being the factum, admittedly, in view of the fact that the writ petitioner is not possessing the prescribed qualification of Certificate Course in Computer on Office Automation awarded by the Directorate of Technical Education or its equivalent, this Court is of the opinion that the relief as such sought for cannot be granted in contravention to the educational qualification prescribed in the Notification No.11/2017 issued in TNPSC dated 09.05.2017. Thus, there is no infirmity as such in respect of the order impugned passed by the respondent and accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmm/ssb

To

The Secretary  
Tamil Nadu Service Commission  
Frazer Bridge Road  
Near Dental College  
Chennai - 600 003.

+lcc to Mr.M.Loganathan, Advocate sr.25782  
+lcc to Mr.D.Selvam, Advocate sr.25781

W.P.No. 25472 of 2018

mp(co)  
nr 05/07/2019