

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.18360 of 2013****and****M.P. (MD) .No.1 of 2013**

K.Jeyajothi

... Petitioner

Vs.

1.The Additional Chief Secretary,
Environment and Forest,
Fort St. George, Chennai-600 009.

2.The Chairman
Tamil Nadu Pollution Control Board,
Guindy, Industrial Estate,
Chennai-32.

3.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-009.

(R3 impleaded as per the order dated
30.01.2014 in M.P. (MD).No.1/14)

... Respondents

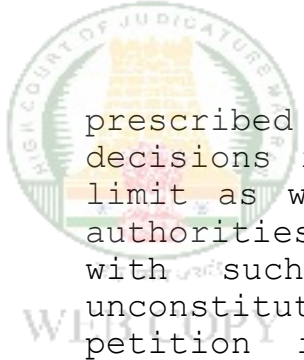
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the M.Tech Process Control and Instrumentation as one of the eligible qualification for the post of Assistant Engineer, along with other Specialization conducted by the Tamil Nadu Pollution Control Board, Guindy, Chennai-600 032.

For Petitioner : Mr.R.Venkatesan
For R1 to R3 : Mr.S.Dhayalan
Government Advocate

ORDER

The relief sought for in the present writ petition is to declare that M.Tech Process Control and Instrumentation as one of the eligible qualification for the post of Assistant Engineer, along with other Specialization conducted by the Tamil Nadu Pollution Control Board, Guindy, Chennai-600 032.

2.However, prescription of educational qualification for appointment of a particular post is a prerogative of the employer. This apart, prescribing criteria for selection is a policy decision and the Court cannot issue any direction or declare a particular qualification is to be equated with the other qualification



prescribed in the Recruitment Rules or in the Notification. All such decisions regarding the fixation of educational qualification, age limit as well as the criteria are to be decided by the competent authorities of the administration and the Court cannot interfere with such fixation of criteria, unless such fixation are unconstitutional. The mere relief sought for in the present writ petition is to declare that the M.Tech Process Control and Instrumentation as one of the eligible qualification for appointment to the post of Assistant Engineer. Undoubtedly, the educational qualification now prescribed under the Rules alone is to be followed for appointment to the post of Assistant Engineer and as of now, the writ petitioner is qualified is at liberty to participate in the process of selection if any notified by the respondent. Thus, the relief as such sought for in the present writ petition is absolutely misconceived and the Court cannot issue any direction to grant equivalence or prescribed a particular qualification as an eligible qualification for appointment.

3. In view of the above, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Additional Chief Secretary,
Environment and Forest,
Fort St. George, Chennai-600 009.

2. The Chairman
Tamil Nadu Pollution Control Board,
Guindy, Industrial Estate,
Chennai-32.

3. The Secretary to Government,
Higher Education Department,
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+1 CC to SPL G.P SR-80731.

W.P. (MD) No. 18360 of 2013
and
M.P. (MD) .No. 1 of 2013
07.08.2019