



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP(MD)No.93 of 2019

B.Jose Pandian

... Petitioner

Vs.

1.The Joint Commissioner of Commercial,
Madurai Division,
Madurai - 625 020.

2.The Deputy Commissioner of Commercial,
Madurai East Commercial Tax District,
Madurai -20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to receive the document such as 8th standard mark sheet obtained from the school authorities and consequently direct the 2nd respondent to consider the case of the petitioner for the appointment of Office Assistant by considering his representation dated 20.09.2018.

For Petitioner : Mr.N.Sathish Babu
For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader

ORDER

The prayer in this writ petition is to direct the 2nd respondent to receive the document such as 8th standard mark sheet obtained from the school authorities and consequently direct the 2nd respondent to consider the case of the petitioner for the appointment of Office Assistant by considering his representation dated 20.09.2018.

2.The petitioner's candidature, for appointment to the post of Office Assistant, has not been considered, due to non enclosure of certificate for pass in 8th standard, which is the requisite qualification for the said post. Though the petitioner has subsequently obtained the said certificate, the same is denied to be received by the respondents.

3.The main contention of the petitioner is that he being B.E., degree holder, the production of 8th standard certificate is not necessary, in view of the order passed in WP(MD)No.22463 of 2018 on 02.11.2018 and the relevant portion whereof reads thus:

<https://hcservices.ecourts.gov.in/hcservices/>

"4.The sum and substance of the case of the petitioner is that the request of the petitioner was



not considered, on the ground that the petitioner had not enclosed the 8th standard certificate. Admittedly, the petitioner is a +2 candidate followed by a Diploma in First Aid and Practical Nursing Course, without clearing 8th standard, 10th standard and Plus two, the petitioner could have entered in the Diploma Course. The petitioner stated that she has studied through regular stream. That being the case, there is no need for any one to produce the 8th standard certificate, if they have cleared 10th standard and above. The non enclosure of 8th standard certificate is not a material for the selection to the said post of Office Assistant, as the petitioner is a Diploma Holder. That apart, the petitioner has enclosed the 8th standard certificate in the present writ petition.

5. In the light of the above, the 2nd respondent is directed to accept the 8th standard certificate sent by the petitioner on 25.07.2018 and consider her candidature in the selection process for the post of Office Assistant, if she is otherwise eligible."

4. The learned Special Government Pleader appearing for the respondents has no serious objection to the above decision.

5. Under these circumstances, in the light of the order cited supra, the petitioner is permitted to produce the 8th standard mark sheet to the 2nd respondent within a period two weeks from today and the 2nd respondent is directed to receive the same and consider his candidature for the selection process, if he fulfills all other eligibility criteria.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

dsk
To

1. The Joint Commissioner of Commercial,
Madurai Division,
Madurai - 625 020.



TR (10.04.2019) 3P 5C