



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.827 of 2019

and

WP (MD) No.23138 of 2015

WEB COPY

V.Kavitha

... Appellant/Writ Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Personal and
Administrative Reforms Department,
Fort St. George, Chennai - 600 009.

2.Tamil Nadu Public Service Commission,
Rep. by its Member Secretary,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 17.06.2019, made in W.P.(MD) No.23138 of 2015, on the file of this Court.

Prayer in WP(MD) . 23138/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ or Certiorari Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in Memorandum dated 4664/PSD-A3/2105 dated 14.12.2015, Quash the Same, and further Direct the respondents herein to issue necessary orders appointing the petitioner herein as Typist without reference to age in view of petitioner s BA (Economics) Degree qualification with a reasonable time as may be specified by this Honble Court..

For Appellant : Mr.E.V.N.Siva

For 1st Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

For 2nd Respondent : Mr.K.K.Senthil
Standing Counsel for TNPSC



J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.E.V.N.Siva, learned counsel appearing for the appellant, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the 1st respondent and Mr.K.K.Senthil, learned Standing Counsel appearing for the 2nd respondent.

2.The Writ Appeal is directed against the order dated 17.06.2019, made in W.P.(MD) No.23138 of 2015. The appellant claims that she should be appointed by taking into account her bachelor degree in Economics as eligible qualification for the post of Typist and consequently the age restriction should not be applied.

3.Unfortunately, the appellant did not undergo bachelor degree in regular manner but in Open University system and undergone only foundation course. There are several decisions, which have held that the foundation course conducted by the Open University cannot be recognized as equivalent to 10 years SSLC and two years Higher Secondary Course of +2 conducted by the Government of Tamil Nadu. After filing of the Writ Petition, the Government has issued G.O. (Ms.) No.144 Personnel and Administrative Reforms (M) Department, dated 20.11.2017. In our considered view, the foundation course by a University, which offers a degree through Open University system is at no point of time equal to 10 years study of SSLC and after this two years study of +2 Course of the regular schooling. However, the case of the appellant is little bit better as she has completed regular schooling upto SSLC and unless and until she acquires +2 qualification, she cannot get her admitted to B.A. in a regular study. The appellant admitted that she does not have +2 qualification.

4.Useful reference can be made to the decision of this Court in **T.L.Muthukumar v. Registrar General [(2011) 2 MLJ 785]**, to which one of us [The Hon'ble Mr. Justice T.S.SIVAGNANAM] is a party. In the said decision, it has been held that the conditions in the Service Rules cannot in any way be superseded by other law not applicable to the employer concerned. Thus, for the above reasons, no ground is made out to interfere with the order of the learned Single Bench.

5.In the result, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)



sj

To

The Secretary,
Department of Personal and
Administrative Reforms Department,
State of Tamil Nadu,
Fort St. George, Chennai - 600 009.

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-87695[F] dated 19/09/2019)

+1 CC to M/s.K.K. SENTHIL, Advocate (SR-87396[F] dated 18/09/2019)

+1 CC to M/s.SPL GP (SR-87555[F] dated 18/09/2019)

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KK/SAR/03.10.2019/3P-5C/