

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.338 of 2020

M.Sivachandran

.. Petitioner

vs

The Member Secretary,
Tamil Nadu Uniformed Services
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling the entire records in respect of the Respondent's Online Rejection Order dated nil, rejecting the petitioner's application in User I.D.No.USRBO80557 for the post of Sub Inspector of Police (Taluk, Armed Reserve, Tamil Nadu Special Police) and quash the same and thereby direct the respondent herein to permit the petitioner to appear for the written examination for the Post of Sub-Inspector of Police (Taluk, Armed Reserve and Tamil Nadu Special Police) to be held on 12.01.2020 or any other subsequent date.

For Petitioner : Mr.K.A.Ravindran

For Respondent : Mrs.Narmadha Sampath
Additional Advocate General
Assited by Mr.V.Kadhirvel
Special Government Pleader

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O R D E R

This Writ Petition has been filed challenging the rejection order passed by the respondent, rejecting the candidature of the petitioner and to proceed with the selection to the post of Sub Inspector of Police.

2. The respondent issued a notification calling for applications to fill up the post of Sub Inspector of Police. It is an online application. The petitioner applied for the said

post and his application was rejected on 30.12.2019 for the reason that his application is "Not in stream". Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Mr. K.A.Ravindran, learned counsel appearing on behalf of the petitioner submitted that the Information Brochure issued by the respondent clearly provides the educational qualification. The educational qualification provided in the Information Brochure is extracted hereunder:

"6. EDUCATIONAL QUALIFICATION:

i. Candidates should have a Bachelor's Degree from any University recognised by UGC/ Government on the date of Notification.

ii. The Bachelor's Degree should have been obtained in the following pattern:

a) After completion of SSLC and Diploma in the order of 10+2+3 pattern or

b) After completion of SSLC and Diploma in the order of 10+3+3 / 10+3+2 pattern or

c) From an Open University / Distance Education / College after completion of SSLC and I.T.I. in the order of 10+2+3 pattern.

iii) However, candidates who have obtained Bachelor's degree through Open Universities without going through 10+2+3 pattern will not be eligible.

iv) Candidates should have studied Tamil as a subject in X/XII/Degree. If not studied, candidates will have to pass the Tamil-Part II Test conducted by Tamil Nadu Public Service Commission within 2 years from the date of joining the service."

4. Learned counsel for the petitioner submitted that the petitioner satisfies the requirements as prescribed in Clause 6 (ii)(b) Information Brochure. Learned counsel submitted that the petitioner completed his SSLC and thereafter joined Diploma in Mechanical Engineering in the year 2008 and completed in the year 2011. Thereafter, the petitioner had joined BBA through Tamil Nadu Open University and the same was completed during the period 2011 to 2014. Learned counsel therefore submitted that the petitioner had satisfied 10+3+3 pattern that is completed during the period 2011 to 2014. Therefore, according to the learned counsel for the petitioner, the respondent went wrong in rejecting the application made by the petitioner.

5. Mrs.Narmatha Sampath, learned Additional Advocate General, appearing on behalf of the respondents submitted that the rules regarding educational qualification was amended by

virtue of G.O.(Ms.) No.144 dated 20.11.2017. Learned counsel submitted that the pattern 10+3+3 will apply only in case where the candidate had completed SSLC and thereafter joined diploma course and subsequently had joined an Under Graduate Course for three years in the regular stream. However, if the candidate joined an U.G. Course through Open University, the condition prescribed in Clause 6 (ii) (iii) must be satisfied. In other words, learned counsel submitted that any candidate who has obtained Bachelor's Degree through Open University will be considered only if he has gone through the pattern of 10+2+3. The learned counsel therefore submitted that on a plain reading of Clause 6 of the Information Brochure, the petitioner is not entitled to be considered for selection since the petitioner has admittedly undergone the Bachelor's Degree through Open University.

6. This Court has accordingly considered the submissions made on either side and perused the entire materials available on record.

7. This Court finds a lot of force in the submission made by the learned Additional Advocate General. The requisite educational qualification has been amended in the year 2017 by virtue of G.O. (Ms.) No.144 dated 20.11.2017. It is clear from Clause 6 of the Information Brochure that the candidate is permitted to participate in the selection in the 10+3+3 pattern provided that he has completed the Bachelor's Degree in the regular stream. In other words, the candidate after completion of SSLC, thereafter joins Diploma for three years and thereafter completes Bachelors Degree in regular stream. If the candidate satisfies this requirement, he will fall under Clause 6 (ii)(b) of the Information Brochure. However, if the candidate had completed Bachelor's Degree through Open University then Clause 6 (iii) starts operating and such a candidate will have to necessarily fall within 10+2+3 pattern. In such circumstances, admittedly the petitioner does not fall under 10+2+3 pattern and the petitioner has completed the Bachelor Degree through Open University and therefore, the petitioner cannot claim benefit of Clause 6 (iii)(b) which permits 10+3+3 pattern provided the Bachelor Degree is completed in the regular stream.

8. In view of the above discussion, this Court does not find any merits in this Writ Petition and accordingly the same is dismissed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

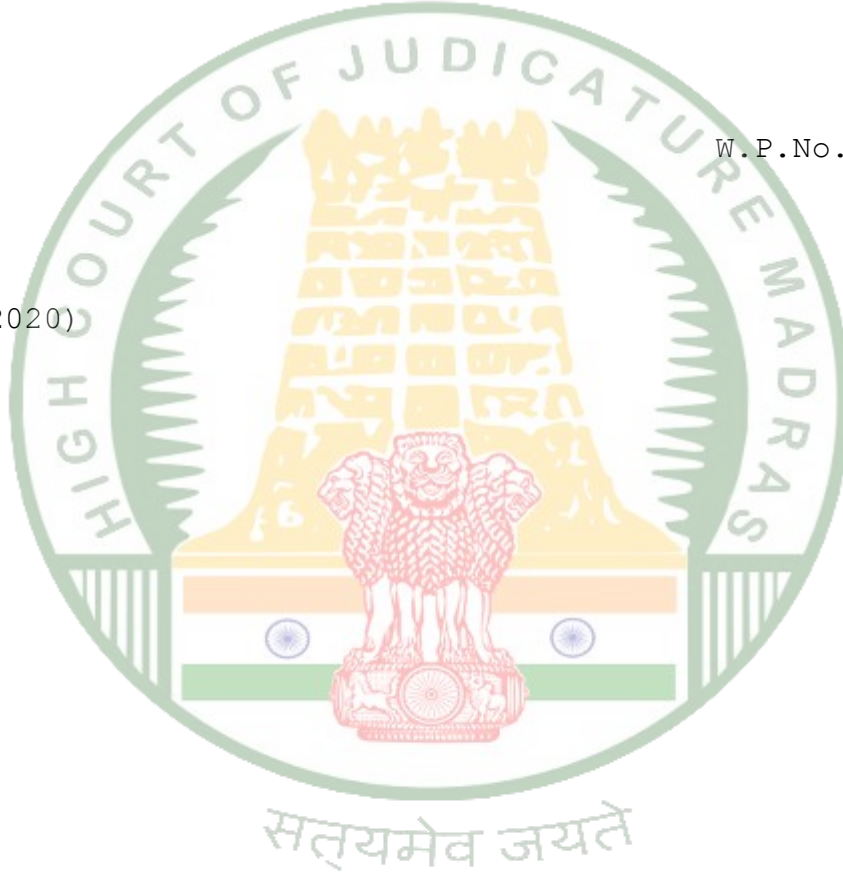
To

The Member Secretary,
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+1 CC to Mr.K.A.Ravindran, Advocate sr 1806

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SJ(CO)
SP(20/02/2020)



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