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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 870 of 2015

J.Anbazhagan

..Petitioner

Vs

1. The Chairman

The Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Chennai - 600 003.

2. The Secretary

The Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Chennai - 600 003.

3. The Deputy Secretary,

The Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Chennai - 600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to select and appoint the petitioner in any one of the Non Interview posts included in the combined Subordinate Services Examination-I, 2011-2013 pursuant to the certificate verification held on 24.12.2014 with Register No. 28305269 and Rank 256212.

For Petitioner : M/sV.Thirupathi

For Respondents : Mr.M.Loganathan

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents herein to select and appoint the petitioner in any one of the Non Interview posts included in the combined Subordinate Services Examination-I, 2011-2013 pursuant to the certificate verification held on 24.12.2014



2. Heard Mr. V.Thirupathi, learned counsel appearing for the writ petitioner and Mr.M.Loganathan. Learned Standing Counsel appearing for the respondents and perused the documents available on record.

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3. The learned counsel appearing for the petitioner submitted that the petitioner has applied to the non interview post pursuant to the Notification No. 19(A), dated 13.06.2012. The petitioner was awarded a Military Trade in OCC in 1997 and 2005, which is considered as equal to Civil Trade (I.T..I), which is further considered as equal to High Secondary Court (+2). Based on the aforesaid qualification, the respondent had permitted the petitioner to appear for the written examination conducted by the TNPSC. At the time of certificate verification, the respondent have stated that the petitioner's qualification cannot be considered as he has not passed HSC(+2) in regular stream. Therefore, the respondent has not issued call letter to the petitioner to appear for the counseling.

4. The learned counsel appearing for the petitioner further submitted that the Government have issued G.O. Ms.No.106, Personnel and Administrative Reforms (R) Department, dated 11.06.1999, wherein it has been specifically stated that, the Military Trade Certificates issued by the Ministry of Defence shall be considered ad degree issued by the Universities approved by the State Government. In view of the above, the petitioner is eligible to be appointed in any of the posts. The learned counsel further submitted that similarly placed person has filed writ petitioner in W.P. No.29616 of 2014 and by order dated 26.02.2019 the said writ petition came to be allowed by this Court. The said order of this Court is squarely applies to the facts of the present case.

5. The learned standing counsel appearing for the respondents submitted that the respondents have not disputed the aforesaid orders issued by the Government and also the decision rendered by this Court in the aforesaid writ petition filed by the similarly placed person. The learned standing counsel further submitted that against the aforesaid order of this Court in W.P. No. 29616 of 2014, dated 26.02.2019, the respondent/TNPSC have preferred an appeal and the same is pending in unnumbered stage.

6. In view of the fact that this on considering the submissions made by the similarly placed person in the aforesaid writ petition and by relying upon the G.Os issued by the Government, has concluded that the certificate issued by the Ministry of Defence is equivalent to the certificates issued by the Universities approved by the Government and accordingly directed the respondents to select and appoint the similarly



placed person in any of the vacancies. Therefore, there is no dispute insofar as the aforesaid G.O. Ms.No.106, Personnel and Administrative Reforms (R) Department, dated 11.06.1999 by the parties.

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7. Since the facts and circumstances of the present case on hand are similar, the decision rendered by this Court in the aforesaid writ petition filed by the similarly placed person is squarely applies. Therefore, this Court cannot deviate from the order passed by the Learned Single Judge of this Court in the aforesaid writ petition.

8. Hence, by accepting the submissions made by the learned counsel appearing for the writ petitioner, the respondents are directed to select and appoint the writ petitioner herein in any one of the vacancies in the non-interview posts included in the combined Subordinate Services Examination -I , 2011-2013, if he is otherwise eligible, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition if any, is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman  
The Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Chennai - 600 003.
2. The Secretary  
The Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Chennai - 600 003.



3. The Deputy Secretary,  
The Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Chennai - 600 003.

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+1cc to Mr.V.Thirupathi, Advocate, S.R.No. 16884  
+1cc to Mr.A.R.Suresh, Advocate, S.R.No. 16863  
+1cc to Mr.M.Loganathan, Advocate, S.R.No. 16644

W.P.No. 870 of 2015

RLD(CO)  
GN(01/07/2020)