



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. 5428 of 2016

N.A.Eswaramurthi

..Petitioner

Vs

1. Tamil Nadu Public Service Commission
rep.by its Member Secretary,
3, Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-600003.

2.The State of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative Reforms Department,
Secretariat, Chennai-600009.

.. 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 issue an order appointing the petitioner for the post of Typist in P.D Unit, Tiruppur which was allotted to the petitioner in the counselling held on 02.07.2014 or any other place, on considering his representation dated -7.04.2015 made to the 1st respondent herein.

For Petitioner : M/s.P.M.Duraiswamy

For Respondents : Dr.M.Devendran, SC -R1
Mr.J.Ramesh, AGP - R2

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents herein to issue an order appointing the petitioner for the post of Typist in P.D Unit, Tiruppur which was allotted to the petitioner in the counselling held on 02.07.2014 or any other place, on considering his representation dated 07.04.2015 made to the 1st respondent herein.

2. Brief facts of the case is that the writ petitioner has applied for the post of Typist pursuant to the notification



dated 14.06.2013 issued by the 1st respondent/TNPSC. The petitioner has appeared for written examination and certificate verification held on 25.08.2013 and 01.07.2014 respectively. He was directed to appear for counseling held on 02.07.2014 and he was issued a letter informing that he was provisionally selected for the appointment for the post of Typist in P.D Unit, Tiruppur and the same withheld for non production of documents viz., (i) Community Certificate, (ii) Conduct Certificate and (iii) The Certificate to show that whether the foundation course is equivalent to Higher Secondary Course. Even after production of the aforesaid documents, the petitioner was not appointed in the aforesaid post of Typist in P.D Unit, Tiruppur. Hence this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the documents available on record.

4. The learned counsel for the writ petitioner submitted that it was informed that the allotment was purely tentative and subject to production of the required documents within seven days. The petitioner has submitted first two of the aforesaid documents on 05.07.2014 and whereas the Foundation Course certified and the G.O.Ms.No. 219/P&AR Department/dated 10.03.1988 were produced at the time of counseling itself. The aforesaid G.O clarifies that the two years Foundation course conducted by the Annamalai University be considered as equivalent to Higher Secondary (+2) Course of Tamil Nadu Government for the purpose of entry into public services in Tamil Nadu.

5. The learned counsel for the petitioner further submitted that the respondent herein have not issued appointment order for the post of typist in P.D. Unit in Tiruppur and the appointment of the petitioner has been withheld without proper reasoning till date, therefore, the petitioner made representation to the respondents. Since there no response, he preferred the present writ petition.

6. Per contra, the learned standing counsel appearing for the 1st respondent/TNPSC has submitted that the petitioner has not acquired requisite qualification as per G.O. 107, P& AR Department, dated 18.08.2009 and also in the light of the decision rendered by the Hon'ble Division Bench of this Court in W.A. No. 805 of 2014, dated 06.08.2014 (Chairman, Teachers Recruitment Board Vs. Kanimozhi), the case of the writ petitioner herein cannot be considered.



7. The learned Standing Counsel appearing for the respondent further submitted that the Government after examining the two years foundation courses offered by various universities, have issued G.O (Ms).No. 144 P & AR(M) Department, dated 20.11.2017, confirming the recommendations of the Equivalence Committee that the Pre-foundation course and Foundation Course offered by various Universities in the State are not equivalent to SSLC and Higher Secondary Course (+2) respectively.

8. On a perusal of the records, the writ petitioner herein has mentioned in his on line application that he has completed S.S.L.C and H.S.C., Degree, and P.G. Degree. During certificate verification, it was noticed that the petitioner has studied two years foundation course conducted by Annamalai University. Hence, the application of the petitioner was admitted provisionally for the post of typist in the Group-IV services, subject to pending decision of Equivalence Committee. Subsequently, the Equivalence Committee passed resolution dated 29.01.2016 & 01.11.2017 to the effect that the pre-foundation course and the foundation/bridge course awarded by various Universities cannot be recognized as equivalent to SSLC and Higher Secondary Court (+2). The said resolution of the Equivalence Committee was forwarded to Government for approval. Based on the resolution, the Government have issued orders in G.O. (Ms.)No. 144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017. The relevant portion is extracted below;

"4. Based on the orders issued in the Government order fifth read above, the recognition of the Pre-foundation and the two year Foundation Courses awarded by various Open Universities were clarified in the letter seventh read above to the effect that -

"A degree awarded by the Open Universities after passing Pre-foundation Course and two year Foundation Course through Open University cannot be recognized as degree as per University Grants Commission norms for the purpose of employment/promotion in Public Services, since such Pre-foundation Course and two year Foundation Course are not contemplated in the University Grants Commission Regulations.

Therefore, those who obtained a degree under Open University System after passing the Pre-foundation Course and two year Foundation Course without passing 10th standard and +2 examination do not satisfy the conditions laid in G.O.(Ms) No. 107, P & AR (M) Department, dated 18.08.2009 which is in consonance with



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the orders of Supreme Court of India".

The above clarification was followed the date of issue of orders in the Governemnt Order fifth read above.

5. In the meantime, the Equivalence Committee in its recommendations in the letter eighth and ninth read above has also resolved that the Pre-foundation Course and the Foundation /Bridge Courses awarded by various Universities cannot be recognized as equivalent to SSLC and Higher Secondary Course (+2). The recommendations of the Equivalence Committee are in consonance with the clarification issued in the letter seventh read above, hence, the Pre-foundation Course and the Foundation / Bridge Courses awarded by various Universities cannot be recognized as equivalent to SSLC and Higher Secondary Course(+2).

6. As the recommendations of the Equivalence Committee confirms the clarification that the Pre-foundation Course and Foundation Course offered by various Universities in the State are not equivalent to SSLC and Higher Secondary Course (+2) respectively, Government emphasise to follow the clarification issued in the Government letter seventh read above scrupulously."

9. Considering the facts and circumstances of the case and in view of the orders issued by the Government in the aforesaid G.O. (Ms.)No. 144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017, it is clear that the writ petitioner cannot claim equivalency for the two year foundation course studied by him in Annamalai University and therefore, the contentions made by the learned counsel appearing for the writ petitioner, claiming appointment to the post of Typist cannot be considered and the same is liable to be rejected.

10. In the result, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition if any, is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
Tamil Nadu Public Service Commission
3, Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-600003.

2.The Secretary to the Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai-600009.

+1cc to Dr.M.Devendran, Advocater SR.16583
+1cc to Mr.P.M.Duraiswamy, Advocate SR.16857
+1cc to the Government Pleader SR.17760

W.P.No. 5428 of 2016

KK(CO)
CB(13/07/2020)