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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.07.2021
PRONOUNCED ON : 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4083 of 2020
&
WMP.Nos.4829 & 4830 of 2020

M.Manimaran

...Petitioner

Vs

1.The State of Tamil Nadu
rep. by the Principal Secretary to
Government,
Personnel and Administrative Reforms,
(P & AR) Department,
Secretariat, Chennai-600 009.

2.The Tamil Nadu Public Service Commission,
rep. by its Secretary,
Park Town, VOC Nagar,
Chennai-600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned selection list dated 12.02.2020 issued by the second respondent in respect of posts of Junior Assistant /Field Surveyor/ Village Administrative Officer included in combined Civil Services Examination-IV (Group-IV) 2018-2019 and 2019-2020 and to quash the same, consequently direct the respondents to select the petitioner as Junior Assistant and appoint him in the said post.

For Petitioner : Mr.Jothimanian
For Respondent-1: Mr.K.V.Sajeev Kumar,
Government Counsel
For Respondent-2: Mr.V.Balamuralikrishnan
Standing counsel for TNPSC

O R D E R

By consent of both the parties, this Writ Petition is heard through Video Conferencing on 23.07.2021.



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2. The petitioner herein is aggrieved against his non-selection to the post called for under Notification No.19 of 2019 dated 14.06.2019. The reason assigned for rejecting the petitioner's candidature is that he had obtained his Under Graduation degree on 05.08.2019 i.e., after the date of notification dated 14.06.2019.

3. Admittedly, the petitioner herein is otherwise qualified for being appointed for the post under the selection process, but for the above reason assigned by the respondents in the impugned order. The petitioner had completed his Under Graduation degree after passing the examination that was conducted in the month of April 2019 and the Certificate of Degree was later issued on 05.08.2019. An Hon'ble Division Bench of this Court in the case of The Director of Elementary Education, College Road, Chennai-6 and another Vs. K.Nedumaran passed in W.A.No.803 of 2013 dated 27.02.2015, had held that the passing of an examination would relate back to the date of examination and not the date of declaration of results and therefore valid for the purpose of determining the educational qualification. A similar view was also taken by a learned Single Judge of this Court in the case of S.Sadhasivam V. The Government of Tamil Nadu rep. by its Principal Secretary, School Education Department, Chennai-9 and Others passed in W.P.No.26464 of 2015 dated 30.08.2016.

4. Even without reference to the aforesaid decisions of this Court, the logical reasoning that requires to be extended for determining the date of educational qualification would be on the date when the candidate undertakes the examination, which is later evaluated and declared as 'successful'.

5. In the light of the aforesaid proposition, the reasoning adopted by the respondents, for rejecting the petitioner's candidature on the ground that he had obtained his Under Graduation degree after the date of the employment-notification, cannot be sustained. On the contrary, when the petitioner's date of examination namely, April 2019 is taken into account, it is apparent that he had qualified himself prior to the date of notification (i.e.,) on 14.06.2019 and consequently, the petitioner would be entitled to succeed.

6. This Court has taken note of the fact that, pursuant to the interim orders passed in the present Writ Petition, the petitioner herein has already been appointed to a post (Village Administrative Officer, Sivaganga District) in connection with the Notification No.19 of 2019, dated 14.06.2019, with a rider that the appointment will be subject to the decision of this Court in the present Writ Petition.



7. For all the reasons stated above, the impugned order passed by the second respondent herein dated 12.02.2020, is hereby quashed. Consequently, there shall be a direction to the respondents herein to ratify the petitioner's provisional appointment made pursuant to the notification dated 14.06.2019, atleast within a period of two weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands allowed accordingly. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Note:Issue order copy on 24.09.2021

DP

To

1.The Principal Secretary to
Government,
State of Tamil Nadu
Personnel and Administrative Reforms,
(P & AR) Department,
Secretariat, Chennai-600 009.

2.The Tamil Nadu Public Service Commission,
rep. by its Secretary,
Park Town, VOC Nagar,
Chennai-600 003.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.48382

+1cc to Mrs.G.Hema, Advocate, S.R.No.48810

W.P.No.4083 of 2020

&

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RLD(CO)
CB(24/09/2021)