



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.1073 of 2020

M.Sakkaraichamy ... Appellant/Petitioner
-Vs-

1.Tamil Nadu Public Service Commission,
Rep. By its Secretary,
No.3, Frazer Bridge Road,
V.O.C Nagar,
Chennai - 600 003.

2.The Principal Secretary to Government
Personnel and Administrative Reforms
Department,
Secretariat,
Chennai.
(Respondent No.2 suo motu impleaded vide
Court order dt. 02.07.2019 in
W.P. (MD) No.12326/2014)

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 02.07.2019 in W.P.(MD) No.12326 of 2014.

Prayer in WP(MD). 12326 of 2014 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Memorandum NO. 7776/RID2/OTD-B1/2013 dated 17.12.2013 on the file of the first Respondent and quash the same as illegal to the extent of reply to the query no.5 and consequently to direct the first Respondent appoint the petitioner to the post of Assistant in Revenue Department within the time stipulated by this Honourable Court.

For Appellant : Mr.P.Jeyasankar

For Respondents : Mr.D.Sivaraman for R1
Mr.K.P.Krishnadoss,
Spl. Govt. Pleader for R2



JUDGMENT

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

This Writ Appeal has been filed by the writ petitioner, challenging the order passed in W.P.(MD)No.12326 of 2014, which was dismissed, wherein the appellant challenged certain replies given to him in respect of the queries raised under the Right to Information Act, 2005.

2. Firstly, a challenge cannot be made to a reply sent under the Right to Information Act. In any event, what the appellant questioned was his non-selection to the post of Assistant in the Revenue Department. The petitioner rests upon a Government Order in G.O.Ms.No.138 Personnel and Administrative (Reforms) Department, dated 29.12.1997, wherein the Government has accepted the decision of the Committee and the petitioner would state that the B.E. Degree obtained by him is equivalent to any bachelor degree, such as B.A., and B.Sc.

3. On going through the said Government Order in G.O.Ms.No.138 Personnel and Administrative (Reforms) Department, dated 29.12.1997, we find that the same was passed to enable the Engineering Graduates and Medical Graduates, ie., after completing B.E. or M.B.B.S., they will be eligible to apply for BL/LLB course and for such purpose, the Government treated the B.E., B.L., M.B.B.S., and B.V.Sc. as equivalent to B.A., B.Sc., etc. Furthermore, the reason for passing the said Government Order was on account of a claim made by the persons, who have secured B.E., and M.B.B.S., degree equivalent to a post graduate degree in humanities and science, because the course of study is five years. This Government Order can have no application to the facts of the appellant's case. That apart, the appellant has not achieved the bench mark qualification viz., the cut off mark prescribed by the first respondent in the examination. Therefore, there is no error in the order passed by learned Single Judge in W.P.(MD)No12326 of 2014. Furthermore, the appellant, having participated in the selection process, cannot now turn around and challenge the qualifications, which have been prescribed.

4. In the result, this Writ Appeal is dismissed and the order passed in the Writ Petition is confirmed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
V.O.C Nagar,
Chennai - 600 003.

2.The Principal Secretary to Government,
Personnel and Administrative Reforms
Department,
Secretariat,
Chennai.

+1 CC to M/s.SPL GP (SR-17958[F] dated 28/04/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-17998[F] dated 29/04/2021)

W.A. (MD) No.1073 of 2020

27.04.2021

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