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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.15488 of 2010

1.Maragatham
2.K.Balamani
3.Renuka
4.E.Manikandan
5.Perumal
6.R.Ragupathi

... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Uniformed Services &
Recruitment Board,
Chennai-600 002.

2. The Secretary to Government,
Home (Police IV) Department,
Fort St.George,
Chennai-9.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the method of acquiring graduation prescribed in educational qualification prescribed for the post of Sub-Inspector of Police for the year 2010 in Clause XVII 92) as per advertisement No.110 dated 01.04.2010 issued by the 1st respondent for the 20% departmental candidates is null and void and ultravires of the service rules and consequently direct the respondents to conduct the special written test to the petitioners for the post of Sub-Inspector of Police for the year 2010 and grant such other further relief.

For Petitioners : Mr.K.Venkataraman
Senior Advocate
for M/s.M.Muthappan



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For Respondent 1 : Mr.P.Kumaresan
AAG(VII), Assisted by,
Mr.J.Daniel, Govt. Advocate

For Respondent 2 : M/s.R.L.Karthika
Government Advocate

ORDER

The short question that arises for consideration is whether the petitioners who are working as Constable is eligible to apply for the post of Sub-Inspector vide the notification dated 01.04.2010. The Advertisement No.110 calling for applications at Column VII(6) (e) and XVII(2) prescribed the following qualifications for the aforesaid post, viz.,

"the candidates should possess a degree from an University or Institution recognised by UGC prior to the notification. Any candidate who possesses the degree under Open University Scheme must have passed 10th standard SSLC examination and +2 Higher Secondary Examination prior to obtaining the degree in UG/PG. If the candidate possesses Post Graduate degree through Open University without undergoing the Under Graduate degree the same will not be accepted."

2. It may be relevant to refer to G.O.Ms.No.107 dated 18.08.2009, the relevant portion of which is extracted below:

"The Government carefully examined this recommendation and having decided to accept the recommendation of the Equivalence Committee issues an order recognizing the degrees in Diploma/ Degree/ Post Graduate degrees obtained through Open Universities only after having passed secondary school examination (10th std) and higher secondary school examination (+2) alone for appointment/ promotion in Public Services."

3. It is fairly submitted by the learned counsel for the petitioners that the issue stands resolved by the order of the Full Bench of this Court, wherein validity of G.O.Ms.No.107 has been upheld and this Court has been consistently taking a view that the requirements of educational qualification of 10+2+3 is mandatory and failure to comply with the said qualification would result in disqualification. Admittedly, the petitioners have obtained Post-Graduate Degree from Open University without passing Higher Secondary School Examination as mandated in the above notification and thus may not be eligible to apply for the



post of Sub-Inspector for the year 2010.

4. In view of the above submissions made by the learned counsel for the petitioners and the respondents, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mka

To:

1. The Chairman,
Tamil Nadu Uniformed Services & Recruitment Board,
Chennai-600 002.
2. The Secretary to Government, Home (Police IV) Department,
Fort St. George, Chennai-9.

+1cc to the Government Pleader, S.R.No.24292

W.P. No.15488 of 2010

JPL(CO)
CT 23/05/2022