



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11962 of 2014

S.Krishnakumar

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Personal and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Chennai - 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in Letter No.23105/M2/2013-1 dated 08.08.2013 Personnel and Administrative Reforms Department and quash the same and consequently direct the second respondent to select the petitioner for appointment to the post of Non Interview Post in Combined Subordinate Services Examination - I based on the rank secured by the petitioner in the selection on par with juniors selected with consequential and other attendant benefits, within a time frame fixed by this Court.

For Petitioner : Mr.J.Jaya Mohan
for Mr.G.Sankaran

For Respondents : Mr.S.Anitha,
Special Government Pleader
(for R.1)
Mrs.G.Hema,
Standing Counsel (for R.2)



ORDER

The letter dated 08.08.2013 stating that the pre-foundation, foundation course and the certificates awarded by the Universities therein are declared as not equivalent to SSLC and higher secondary course is under challenge in the present writ petition.

2. In the impugned letter dated 08.08.2013, the Government of Tamil Nadu, Personnel and Administrative Reforms (M) Department, categorically issued orders stating that the 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 UGC Norms. Therefore, those who obtained degree under open university system after passing pre-foundation course and two year foundation course without passing the 10th standard and +2 examination do not satisfy the conditions laid down in the G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009.

3. The Government Order in G.O.Ms.No.107 was issued pursuant to the judgment of the Hon'ble Supreme Court of India in the case of Annamalai University Vs. Secretary to Government, Information and Tourism Development Department reported in 2009 (4) SCC 590. In the said case, the Hon'ble Supreme Court of India held that the degree obtained from the open universities are invalid and therefore based on such degree, appointments into public service should not be granted.

4. The said judgment was implemented by the Government of Tamil Nadu in G.O.Ms.No.107 Personal and Administrative Reforms Department dated 18.08.2009. Based on the said G.O., the impugned clarification letter was issued on 08.08.2013 stating that the pre-foundation course and the consequential degree obtained through open university system cannot be equated with SSLC and +2 course in Tamil Nadu and therefore those candidates are not eligible to seek appointment into public service.

5. The writ petitioner has erroneously stated in his application that he has studied SSLC and HSC. Based on his application, he was admitted for written examination by the TNPSC. During the certificate verification, the competent authorities found that the petitioner has not completed higher secondary course but has undergone pre-foundation course in the open university, which was declared as invalid by the Government of Tamil Nadu. Thus, the writ petitioner has not stated the facts in his application correctly and therefore his candidature was rejected by the TNPSC during the certificate verification.

6. As far as impugned clarification letter is concerned the



said clarification letter was issued pursuant to the judgment of the Hon'ble Supreme Court in the case of Annamalai University (stated supra) and thus the said letter deserves no further interference from the hands of this Court and accordingly the writ petitioner has not established any right for the purpose of considering the relief as such sought for in the writ petition.

7. Consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mrm

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Personal and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
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VG-II (CO)
SB(27/06/2022)