

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16013 of 2014

D.Vasantha Pandian

... Petitioner

Vs.

1. Government Of Tamil Nadu,
Rep. By The Secretary To Government,
Personnel & Administrative Reforms (M) Department,
Secretariat, Chennai-9.

2. Tamil Nadu Public Service Commission,
Rep. By Its Secretary,
Frazer Bridge Road, Park Town,
Chennai-3.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Mandamus Directing the 1st and 2nd Respondents to issue appointment orders to the Petitioner in the appropriate post of Combined Subordinate Services Examination-I, 2008 (Advertisement No.176) conducted by the 2nd Respondent with effect from the date the candidates selected along with him were appointed together with due seniority salary and other emoluments for that period till the date of issuing the appointment order within a time frame.

For Petitioner : Ms. S.Keerthiga
for M/s.Row and Reddy
For Respondent : Mrs.R.L.Karthika
No.1 Government Advocate

For Respondent : Mrs.G.Hema
No.2

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 & 2 to issue appointment order to the petitioner in the appropriate post of Combined Subordinate Services Examination-I, 2008 (Advertisement No.176) conducted by the second respondent.

2.The petitioner participated in the process of selection for recruitment to Group- II services in the State of Tamil Nadu. The petitioner participated in the written test and made a submission that he is fully qualified and regarding his educational qualification, this Court allowed the writ petition in W.P.No.13054 of 2010 and batch, dated 21.04.2014. Thus, the benefit of the said judgment is to be extended to the writ petitioner for the purpose of granting the relief.

3.The learned counsel appearing for the second respondent Tamil Nadu Public Service Commission objected the said contention by stating that the said judgment was taken by way of an appeal before the Hon'ble Division Bench and the batch of the writ petitions were disposed of to consider the case as if the qualifications acquired by the candidates are equivalent to that of the higher secondary course and after verifying the fact that such equivalence has been accepted by the Government. It is further submitted that as per G.O.Ms.No.242, Higher Education, dated 18.12.2012, the candidates, who have completed SSLC and thereafter, completed ITI course, is permitted to participate in the process of selection. As per the said G.O., after completing SSLC, if any candidate has undergone two years Diploma in Teachers Education, is eligible for selection.

4.In the present case, the writ petitioner has not studied either of the courses as considered equivalent to that of the higher secondary course. Contrarily, the writ petitioner after passing SSLC directly acquired the degree course through Open University and such Open University degree obtained without undergoing the regular pattern of education is held invalid by the Hon'ble Supreme Court of India, which was implemented by the Government of Tamil Nadu in G.O.Ms.No.107. Thus, the petitioner is not qualified for selection to Group - II services. That apart, the selection was conducted in the year 2008 and now, 14 years lapsed and at this length of time, the relief as such sought for cannot be granted.

5.Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Secretary To Government,
Government Of Tamil Nadu,
Personnel & Administrative Reforms (M) Department,
Secretariat, Chennai-9.
2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai-3.

+1 cc to M/s.Row and Reddy, Advocate Sr.NO. 36153

+1 cc to Government Pleader Sr.NO. 35926

W.P.No.16013 of 2014

mg(CO)

A.SK(12/07/2022)