



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 19402 of 2017

S.Elanchezhian

... Petitioner

-vs-

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

... Respondent

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to admit the Petitioner to the counselling to be held from 04.09.2017 to 06.09.2017 for the post of Steno Typist Grade III included in the Group - IV services for the year 2015-2016 by considering his representation dated 03.07.2017.

For Petitioner : Mr. D.Baskar

For Respondent : Mrs. G.Hema

O R D E R

Heard Mr. D.Baskar, Learned Counsel for the Petitioner and Mrs. G.Hema, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had applied for the post of Steno Typist Grade-III in furtherance to the Notification No. 15/2016 dated 09.08.2016 issued by the Respondent, which prescribed the minimum age limit of 18 years and maximum age limit of 32 years for candidates belonging to Backward Classes. It is further provided in a note that no maximum age limit would be applicable for those candidates who possess general educational qualification which is higher than the minimum general educational qualification. The minimum education qualification for the post of Steno Typist Grade-III is pass in S.S.L.C.



public examination or its equivalent with eligibility for admission to higher secondary courses of studies or to college courses of studies.

3. It is the case of the Petitioner, who was then 44 years, that he has qualified the Bachelor of Preparatory Programme in Tamil Nadu Open University in February 2011 and had obtained the degree of Bachelor of Arts in Sociology from Tamil Nadu Open University on 10.10.2015 and was entitled to the exemption from the upper age limit.

4. It is contended by the Respondent that inasmuch as the degree obtained by the Petitioner was through Open University, it could not be accepted for the sake of employment in view of the dictum laid by the Hon'ble Supreme Court of India in Annamalai University -vs- Secretary to Government, Information and Tourism Department, Chennai [(2009) 4 SCC 590] and as the Petitioner had possessed only the minimum educational qualification i.e., SSLC, he could not claim any benefit of relaxation of the maximum age limit as sought by him.

5. Having due regard to the said legal position explained by the Respondent, which deserves acceptance, it is not possible to countenance the claim made by the Petitioner, who cannot have any indefeasible right to appointment in the post for which he had participated in the recruitment and could not be selected for valid reasons.

In fine, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skr

To:

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 600 003.

+1cc to Mr.C.Kathiravan, Advocate, S.R.No.34459

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GJ(CO)
UMA(15/06/2022)