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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7999 of 2022

W.M.P (MD).No.5988 of 2022

Renganathan

... Petitioner

Vs

1.The Tamil Nadu Public Services Commission,
Rep.by its Chairman,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-03.

2.The Secretary,
The Tamil Nadu Public Services Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-03.

3.The Controller of Examinations,
The Tamil Nadu Public Services Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-03.

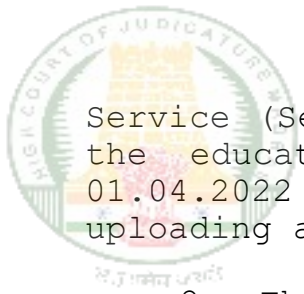
...Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.04.2022 and suitably modify the software hosting the online application portal for direct recruitment to District Child Protection Officer (Post Code 3201) in Tamil Nadu Social Defence Service (Service Code No.103) so as to bring it in consonance with the educational requirements in Notification No. 8/2022 dated 01.04.2022 issued by the respondents and consequently accept uploading any under graduate degree certificate

For Petitioner : Mr.K.Prabhakar
For Respondents : Mr.J.Anand Kumar
Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the petitioner on 11.04.2022 and modify the software hosting of the online application portal for direct recruitment to District Child Protection Officer (Post Code 3201) in Tamil Nadu Social Defence



Service (Service Code No.103) so as to bring it in consonance with the educational requirements in Notification No. 8/2022 dated 01.04.2022 issued by the respondents and consequently accept uploading any under graduate degree certificate

2. The petitioner states that pursuant to the recruitment notification inviting application through online mode for direct recruitment to 16 vacancies in District Child Protection Officer, he submitted his application.

3. The grievance of the petitioner is that he possessed the Post Graduate Degree in Sociology and the said Degree has not been considered for the purpose of selection. The learned counsel appearing for the petitioner reiterated that when the notification indicates a Degree in Sociology, it is inclusive of the Post Graduate Degree in Sociology also.

4. The learned counsel appearing for the Tamil Nadu Public Service Commission objected the said contention by stating that the degree has been defined under Section 25 Explanation (1)(b) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. A candidate, who completed 10+2+3 course, is eligible to appear in the selection process. A person who is not possessing a Degree in Sociology is not eligible to participate in the process of selection. A Degree in Sociology has been specifically mentioned in the educational qualification notified. In the present case, the petitioner is not possessing a Degree in sociology and therefore, directly acquiring the Post Graduate Degree in Sociology is not considered as equivalent for selection to the post of District Child Protection Officer.

5. When the petitioner is not possessing the Degree in sociology, as per the Notification No.8 of 2022 on 01.04.2022, the petitioner is not eligible for selection. When the petitioner himself admitted that he did not possess the Degree in Sociology and however, he possessed the Post-Graduate Degree in Sociology, the said Post-Graduate Degree in Sociology obtained without having a Degree in Sociology is not considered as valid qualification for the purpose of selection. This being the scope of notification, the Court cannot substitute or interpret the educational qualification so as to include the name of the candidate, who studied higher course for selection to a particular post. When the educational qualifications specifically are notified, the said notification is to be followed scrupulously while verifying the applications. The candidates, who are all possessing the educational qualification as per the Notification, alone are eligible to participate in the selection. This being the factum, the petitioner has not established any acceptable ground for the purpose of interfering with the recruitment notification.



6. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (P&A)

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Chairman,
The Tamil Nadu Public Services Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-03.
- 2.The Secretary,
The Tamil Nadu Public Services Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-03.
- 3.The Controller of Examinations,
The Tamil Nadu Public Services Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-03.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-20771[F] dated 25/04/2022)

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-20972[F] dated 25/04/2022)
W.P.(MD) No.7999 of 2022

25.04.2022

gm(CO)

GC(12.05.2022) 3P 6C