



WEB COPY

W.P.(MD)No.162 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.162 of 2019

and

W.M.P (MD) Nos.144 and 154 of 2019

S.Balan

... Petitioner

Vs.

1.The Government of Tamilnadu,
Represented by the Secretary,
Education Department,
Fort St.George,
Chennai 600 009.

2.The Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai-600 003.

3.The Director,
School Education Department,
No.17, College Road,
Thousand Lights West,
Subba Road Avenue,
Nungambakkam,
Chennai 600 008.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification No.37/2018 dated 10.12.2018 issued by the 2nd respondent calling for application to fill up the post of the District Education Officer and quash the same as illegal, arbitrary and against the Constitution of India and principles of natural justice and consequently direct the respondents to include the subject of Political Science in the Master Degree Subjects for the said post Education qualification requirement.

For Petitioner	: Mr.J.Thomas Raja Durai
For R1 & R2	: Mr.G.V.Vairam Santhosh
	Additional Government Pleader
For R3	: Mr.J.Anand Kumar



ORDER

The relief sought for in the present writ petition is to quash the impugned notification No.37/2018 dated 10.12.2018 issued by the second respondent calling for application to fill up the post of the District Educational Officer and consequently to direct the respondents to include the subject of Political Science in the Master Degree Subjects for the said post Education qualification requirement.

2.The petitioner, pursuant to the recruitment notification issued for selection to the post of District Education Officer, participated in the process of selection. However, Political science has not been added as an essential qualification for appointment to the post of District Educational Officer.

3.The grievance of the writ petitioner is that he has completed post Graduation in Political science which is also an equivalent degree and therefore, such degree is to be added in the notification for the purpose of participating in the process of selection.

4.Prescription of educational qualification, age criteria and other conditions for recruitment are to be notified by the competent authorities. It is the prerogative of the employer to fix the qualification for appointment to a particular post. The Court cannot issue a direction to reject or to add any qualification as the requisite qualification for appointment to a particular post. The prescription of educational qualification being a policy decision, which is to be taken by the competent authorities, the Court cannot interfere unless any such prescription is unconstitutional or otherwise.

5.In the present case, the recruitment notification was issued in the year 2018 and the process of selection had already been concluded and the selected persons were appointed.

6.This being the factum, no adjudication is required and hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

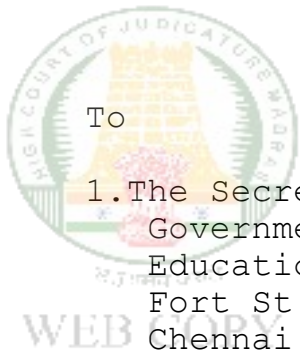
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Secretary,
Government of Tamilnadu,
Education Department,
Fort St.George,
Chennai 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai-600 003.

3.The Director,
School Education Department,
No.17, College Road,
Thousand Lights West,
Subba Road Avenue,
Nungambakkam,
Chennai 600 008.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-21800[F] dated 27/04/2022)
+1 CC to M/s.SPL. GP (SR-23057[F] dated 29/04/2022)

ORDER MADE IN

W.P. (MD) No.162 of 2019

and

W.M.P (MD) Nos.144 and 154 of 2019

27.04.2022

RS (30.05.2022) 3P-6C