



W.P(MD)No.24614 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24614 of 2022

and

W.M.P.(MD)Nos.18692 & 18695 of 2022

1.M.Amuthavanan

2.R.Elangovan

... Petitioners

Vs.

1.The Secretary,
Human Resources Management Department,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Chennai-600025.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st Respondent to frame the proper rules of Field Surveyor and Draftsman, Surveyor-cum-Assistant Draughtsman for Provide reservation for ITI Certificate Holders and also direct the 2nd respondent to restrain the B.E.Degree Holders to participate examination and for Post of the Filed Surveyor and Draftsman included in Tamil Nadu Survey and land Records Subordinate service and Surveyor-cum-



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Assistant Draughtsman in Tamil Nadu Town and Country Planning Subordinate Service 2022 through a Notification NO. 18/2022 dated 29.07.2022, by considering the Petitioner's representation dated 10.10.2022 within a time stipulated by this Court.

For Petitioner : Mr.G.Sakthi Rao
For R1 : Mr.A.K.Manikkam
Special Government Pleader
For R2 : Mr.V.Paneer Selvam

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is an ITI diploma holder. He wants to apply for the post of Draftsman in Survey and Settlement Wing in Tamil Nadu Town and Country Planning Subordinate Service in response to the notification issued by TNPSC.

3. The petitioner's counsel contends that in respect of the said post, B.E degree holders are also applying. According to him, B.E degree holder must be restrained from participating in the said recruitment process.

4. I went through the contents of the notification. The educational



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qualification prescribed in the said post is as follows:-

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SI.No.	Name of the Post	Educational Qualification
2.	Draftsman in Survey and Settlement Wing	I. A Diploma in Civil Engineering from any Institute approved by All India Council for Technical Education (or) II. National Trade Certificate in the trade of Draftsman(Civil) awarded by National Council for Vocational Training (for Draftsman) (or) III. A certificate in Army Trade Draftsman (field) issued by Madras Engineering Group.

5. Nowhere, engineering degree has been prescribed as qualification. I do not know as to why the petitioner is having such an apprehension. In any event, these are not matters that can be decided at this stage. The recruiting agency will permit only those candidates who possess the qualification prescribed in the relevant recruitment rules to participate. The petitioner has given a representation dated 10.10.2022.

6. At this stage, the learned counsel appearing for the petitioner brings to my notice Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. It reads as follows:-



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“25. No person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof unless he-

(a) possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the special rules; or

(b) possesses such other qualifications as have been declared to be higher than or equivalent to the said special qualifications or special tests

(i) by the Government in consultation with the Committee constituted under the Chairmanship of the Chairman, Tamil Nadu Public Service Commission for the purpose, in cases where the appointment has to be made in consultation with the Commission; and

(ii) by the Government or by the appointing authority with the approval of the Government in other cases.”

7. From a perusal of the aforesaid notification, one can conclude that where the said Rule prescribes that diploma is a particular subject as qualification, then, degree in that subject should be deemed to be a higher qualification. The learned counsel appearing for the petitioner would contend that possession of a degree can be considered as a higher qualification. Since ITI and not diploma has been prescribed as qualification, according to him, B.E degree holders cannot be allowed to participate by invoking the aforesaid Section.

8. I am certain that the recruiting agency namely TNPSC will take note of the same. At present, it has been prematurely raised. Leaving open the



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petitioner's rights and contentions, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

31.10.2022

Index : Yes / No

Internet : Yes/ No

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To

The Secretary,
Human Resources Management Department,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.



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G.R.SWAMINATHAN, J.

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