



W.P.Nos.29223 to 29226 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.29223 to 29226 of 2011

and

M.P.Nos.1 of 2011 (4 Nos) and 2 of 2011 (4 Nos)

- | | |
|----------------------------|---|
| 1. M.Deepak Pius Bakkiaraj | ... Petitioner in W.P.No.29223 of 2011 |
| 2. R.Karthikeyan | ... Petitioner in W.P.No.29224 of 2011 |
| 3. V.Eganathan | ... Petitioner in W.P.No.29225 of 2011 |
| 4. P.Sivakumar | ... Petitioner in W.P.No.29226 of 2011 |

-Vs-

1. The State represented by its Secretary,
Personnel and Administrative
Reforms Department,
Secretariat,
Chennai.
2. The Secretary,
Tamil Nadu Public Service Commission,
Greens Road,
Chennai.

... Respondents in **all W.Ps**

Common Prayer:- Writ Petitions filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to implement the G.O.Ms.No.318 dated 29.12.1997 and 139 dated 07.10.2009 passed by the first respondent in the direct recruitment for the posts of Assistants in Revenue Department in the combined Subordinate Services Examination-1 issued by the Second respondent in Advertisement No.219 dated 15.11.2009.



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In all W.Ps

For Petitioners : No appearance
For R1 : Mr.M.Muthusamy
Government Advocate
For R2 : Mrs.G.Hema
Standing Counsel

COMMON ORDER

These Writ Petitions have been filed for the issuance of Writ of Mandamus, directing the second respondent to implement the G.O.Ms.No.318 dated 29.12.1997 and 139 dated 07.10.2009 passed by the first respondent in the direct recruitment for the posts of Assistants in Revenue Department in the combined Subordinate Services Examination-1 issued by the Second respondent in Advertisement No.219 dated 15.11.2009.

2. There is no representation on behalf of the petitioners. Heard Mr.M.Muthusamy, learned Government Advocate appearing for the first respondent and Mrs.G.Hema, learned Standing Counsel appearing for the second respondent and perused the materials available on record.

3. The petitioners had completed B.E. Degree. The second respondent



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had issued a notification dated 15.11.2009 for direct recruitment for the posts included in Combined Subordinate Services Examination-I in the Notification No.219. The examination was conducted for various posts includes both interview and non interview category posts. It includes 875 posts of Assistants in Revenue Department. In the said notification, the educational qualification for the post of Assistant in Revenue Department is fixed as a degree of B.A or B.Sc (other than in professional subject) or B.Com. Therefore, the petitioners filed these writ petitions for direction directing the second respondent to implement the G.O.Ms.No.318 dated 29.12.1997 and G.O.Ms.No.139 dated 07.10.2009 passed by the first respondent in the direct recruitment for the posts included in Combined Subordinate Services Examination-I, as per the Advertisement No.219 dated 15.11.2009.

4. Pending these writ petitions, this Court issued an interim direction to the State Government about the execution/implementation of the G.O.Ms.No.318 and 139 and to file a report.

5. A perusal of the status report filed by the first respondent revealed that the general orders have been issued in G.O. (Ms).No.318, Personnel and Administrative Reforms (R) Department, dated 29.12.1997 and



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G.O.(Ms).No.139, Personnel and Administrative Reforms (M) Department,

dated 07.10.2009, that the professional degrees shall be treated on par with ordinary degrees. By virtue of the above orders, the professional degrees shall be considered as degree, for the posts for which educational qualification is prescribed as any degree unless and otherwise specific educational qualification has been provided in the special rules governing the post. Therefore, the specific educational qualification has been prescribed for the post of Revenue Assistant by direct recruitment in Annexure-IX referred to Rule 38(b)(ii) of the Tamil Nadu Ministerial Services Rules. Therefore, no person shall be eligible for appointment as Assistant by direct recruitment unless he possess a B.A or B.Sc., degree (other than in a professional subject) or B.Com degree. As specific provisions have been made for the post of Revenue Assistant in its Special Rules, the special rules will prevail over the general orders issued in G.O. (Ms).No.318, Personnel and Administrative Reforms (R) Department, dated 29.12.1997 and G.O.(Ms).No.139, Personnel and Administrative Reforms (M) Department, dated 07.10.2009.

6. Therefore, the prayer sought for in these writ petitions cannot be considered and these writ petitions are devoid of merits and are liable to be dismissed. Accordingly, these writ petitions are dismissed. Consequently,



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connected Miscellaneous petitions are closed. No costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

1. The Secretary,
State of Tamil Nadu,
Personnel and Administrative
Reforms Department,
Secretariat,
Chennai.
2. The Secretary,
Tamil Nadu Public Service Commission,
Greens Road,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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