



W.P.No.40711 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2023

CORAM

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.40711 of 2016

R.Ramya

... Petitioner

Vs.

The Secretary,  
Tamilnadu Public Service Commission,  
Frazer Bridge Road,  
Park Town,  
Chennai – 600 003

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to appoint the petitioner to the post of typist on the basis of her selection order issued by the respondent for the posts included in Group IV Services for the years 2007-2008 to 2012-2013 dated 29.01.2014 pursuant to the Notification No.14/2012 dated 27.04.2012 and grant all attendant benefits.

For Petitioner : Mr.G.Anandakumar

For Respondent : Mrs.G.Hema  
Standing Counsel



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ORDER

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Seeking an issuance of a Writ of Mandamus directing the respondent to appoint the petitioner to the post of typist on the basis of the selection order issued by the respondent for the posts included in Group IV Services for the years 2007-2008 to 2012-2013 dated 29.01.2014 pursuant to the Notification No.14/2012 dated 27.04.2012 and grant all attendant benefits, the petitioner is before this Court.

2. The brief facts of the case are as follows:-

(i) The respondent had issued a notification, bearing no.14/2012 dated 27.04.2012 inviting applications for direct recruitment against the vacancies in the posts of junior assistant (Non Security), Junior Assistant (Security), Bill Collector Grade I, Typist, Steno typist Grade III, Field Surveyor and draftsman included in group IV services and the petitioner is eligible for the post of typist alone, as she has completed SSLC examination and passed lower and higher examinations conducted by the Department of Technical education in first class in typewriting tamil during the month of may 1984 and 1985 respectively. Thereafter, the petitioner had completed M.A., history degree course through Annamalai University in the month of may, 1999.

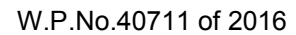


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(ii) Subsequently, the petitioner applied for written examination on 07.07.2012 and scored 190.5 marks and attended the interview on 21.02.2014. However, the petitioner was not appointed and when the petitioner approached the office of the respondent, the petitioner was informed that she had studied the degree through distance education and therefore, she is not eligible. In consequent thereto, the petitioner had made a representation dated 22.05.2015 to the respondent requesting to appoint her to the post of typist. Further, the information officer appointed under the RTI Act, in his reply dated 16.06.2015 clearly stated that the petitioner attended the interview on 21.02.2014 and the respondent has not passed any written orders on the representation of the petitioner till date. Hence, left with no other option, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the impugned action of the respondent in not appointing the petitioner even after her selection is violation under Article 14, 16 and 21 of the Constitution of India. Further, the respondent failed to note that the petitioner satisfied the criteria prescribed in Clause 2(1) of the UGC Regulations, 1985. Hence the degree obtained as per the said clause is a



4. Per contra, the learned standing counsel for TNPSC submits that petitioner in her online application had claimed that she has passed Diploma and Technical Examination in Senior grade in both tamil and English typewriting and belongs to BC community and she has also claimed age concession, but did not fill the next column in the application form to state the claim made under what category. Further, at the time of document verification, the petitioner produced a certificate (Diploma in yoga in human excellence duration – 1 year) issued by the Bharathiyar University in lieu of her claim made in the online application. Since one year diploma course in yoga cannot be considered as equivalent to HSC or higher General education qualification than the minimum general education qualification, the petitioner was not selected.

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prescribed for BC -Community (i.e., 32 years), as per notification. Further, the candidate was called for certificate verification only which is intended to ensure the correctness of the claims made by the applicant. Hence it is crystal clear that without passing HSC and UG Degree, the PG Degree in M.A., History, obtained by the petitioner cannot be considered as valid degree for any appointment in public service, thereby pleaded to dismiss the petition.

6. Heard the learned counsel on either side and perused the documents placed on record.

7. It is pertinent to note that at the time of certificate verification, the petitioner produced a certificate (Diploma in yoga for human excellence duration – 1 year) issued by Bharathiyar University in lieu of her claim made in the online application. It is clear that the said diploma course in yoga cannot be considered as equivalent to HSC or as Higher General Education, hence on this ground the petitioner has become ineligible.

8. It is relevant to point out that the respondent at the time of issuing notification no.14/2012 dated 27.04.2012, had called for various posts, since the petitioner is concerned with regard to the post of typist, this Court



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is inclined to deal only with the regard to the same. In the said notification, the respondent, in the 3<sup>rd</sup> point, viz., **Qualifications (A) Age: (as on 01.07.2012)** has stated that, (i) For SC/SC(Arunthathiyars) ST and Destitute Widows of all case is 35 years; (ii) For MBC/Denotified Communities., Backward Classes and Backward Classes (Muslims) is 32 years; (iii) For Others [i.e., Candidates not belonging to SCs, SC(A)s, STs, MBCs/DCs, BCs and BCMs] and (iv) For the persons who are trained in Survey in ITI in Tamilnadu, in respect of posts of Field Surveyor and Draftsman only, the age limit was prescribed as 35 years. Moreover, when the notification was issued, the petitioner was 47 years at that point of time itself, viz., in the year 2012. Since the petitioner has claimed age concession, but failed to fillup the next column in the application as to the claim made under what category. The petitioner's highest general education qualification was taken as SSLC during certificate verification. On treating so, the petitioner had become ineligible for the age concession as she does not possess higher general educational qualification than the minimum general educational qualification, as per Rules and was found over aged. Therefore, the application of the petitioner was rejected on the ground that she was over-aged, as the petitioner had exceeded the maximum age limit prescribed for BC community (i.e., 32 years).



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9. Considering the facts and circumstances of the case and the fact that though the petitioner had possessed Master of Arts degree through Distance Education, the petitioner had not claimed the Master of Arts degree as her maximum educational qualification in her online application and also the fact that the P.G. Degree in M.A.History obtained by the petitioner without passing HSC and UG Degree cannot be considered as valid degree for any appointment in public service as per G.O.No.107 P&AR(M) Department dated 18.08.2009 and taking note of the fact that the petitioner was born on 15.06.1965 and by this time, she would be at the age of 58 years and the petitioner was selected provisionally only for certificate verification in order to proceed for II Phase of counselling from 19.12.2014 onwards and that the petitioner was rejected at that time itself, this Court is of the view that the present Writ Petition lacks merits to interfere with.

In view of the above, the present Writ Petition is dismissed. No costs.

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Index : Yes/No  
Internet : Yes/No

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Speaking /Non-Speaking Order  
ssd

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**V.BHAVANI SUBBAROYAN, J.,**

ssd

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