



W.P.(MD)No.25253 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.25253 of 2022

and

W.M.P.(MD)Nos.19345, 19347 & 21302 of 2022

M.Hajara Nasreen

: Petitioner

Vs.

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

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

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



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4. The Chairman,
Equivalence Committee / the Principal Secretary to Government,
Higher Education Department,
Fort St George,
Chennai.

5. N. Riyaz Ahamed Basha

(5th respondent impleaded vide order, dated
03.01.2023 made in W.MP(MD) No.21679
of 2022)

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to conduct Oral Text (interview) for the petitioner for the selection of appointment by direct recruitment to the post of District Child Protection Officer in Social Defence Department included in Tamilnadu Approved Schools and Vigilance service, 2018-2019 pursuant to the recruitment notification vide Notification No.8/2022 dated 01.04.2022 issued by the second respondent and appoint the petitioner in the above mentioned post if otherwise found eligible.



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For Petitioner : Mr.M.M.Iqbal
For Respondents : Mr.J.Anandkumar - for R1 & R3
Standing counsel
Mr.J.Ashok - for R2 & R4
Additional Government Pleader
Mr.S.Karthik - for R5

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to conduct Oral Text (interview) for the petitioner for the selection of appointment by direct recruitment to the post of District Child Protection Officer in Social Defence Department included in Tamilnadu Approved Schools and Vigilance service, 2018-2019 pursuant to the recruitment notification vide Notification No.8/2022 dated 01.04.2022 issued by the second respondent and appoint the petitioner in the above mentioned post if otherwise found eligible.

2. The learned counsel appearing for the petitioner submitted that the petitioner had completed the Under Graduate degree in B.A Psychology and Sociology in Lady Doak College, Madurai, an Autonomous institution



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affiliated to Madurai Kamaraj University and completed her course in the year 2013. She was selected as a best candidate in the B.A. Psychology and Sociology and she was awarded with a certificate of academic merit for overall academic performance for the year 2010-2013 and she did her project and submit a report regarding the issue of Women Empowerment and Poverty Alleviation Strategies in Salvarpatti Village, Virudhunagar District. The petitioner's course consist of 14 papers, where, the Sociology is one of the subject. Over and above, the petitioner completed Social Gerontology and Sociology of Religion as her extra credit papers also and the petitioner had totally completed 14 papers as per the subject of Sociology is concerned and 8 papers in the subject of Psychology in B.A. degree. While-so, the second respondent issued a recruitment notification, dated 01.04.2022, inviting application through on-line mode for direct recruitment to 16 vacancies in the post of Child Protection Officer in Social Defence Department included in Tamil Nadu approved schools and vigilance service and the petitioner had applied for the same through on-line mode on 05.04.2022 and she was called for a written examination of computer based test on 19.06.2022 and therefore, the petitioner's name was



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included in the merit list which was published on 27.07.2022 at the ratio of 1:4. Thereupon, an online verification the petitioner's credentials were done and final list were published on 12.10.2022 at the ratio of 1:3, where, the petitioner's registration number was included after verification and acceptance of the certificate including the prescribed qualification and the petitioner had received call letter for the interview scheduled to be held on 31.10.2022. The petitioner reached the Tamil Nadu Public Service Commission building, Chennai, at the time, while the security, scrutiny of her original certificates, suddenly the issue of equivalence was raised by the staff of the respondents 1 to 3 and they held that the petitioner degree is not equivalent degree of B.A. Psychology. Hence, the petitioner filed the present writ petition with the above said prayer.

3. The learned counsel for the petitioner would further submit that the petitioner studied B.A. Psychology and Sociology, where, the Sociology consists of 14 papers and disregarding the petitioner's education qualification for the post of Child Welfare Officer, is not sustainable one and the implead petitioner filed a G.O.Ms.No.244, dated 07.11.2022 where



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the Committee had held that the B.A. Psychology and Sociology offered by the Lady Doak College, Madurai affiliated with Madurai Kamaraj University is not equivalent to B.A. Psychology for the purpose of employment in Public service. The very same Government Order was challenged before this Court and the same is pending for consideration and relying on the very same Government Order, held that the petitioner subject is not equivalent to B.A. Psychology, is not sustainable one. Accordingly, he prayed for allowing the writ petition.

4. Per contra, it is submitted by the respondents that once the Expert Committee opinion and the State Government issued Government Order stating that the petitioner's course B.A. Psychology and Sociology offered by the Lady Doak College, Madurai, where the petitioner studied is not equivalent to B.A. Psychology for the purpose of employment in Public Service. When such being the position, unless the Government Order is not quashed in the manner known to law, the claim made in this writ petition cannot be entertained. Hence, he prayed for dismissal of the writ petition.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner acquired qualification in B.A. Psychology and Sociology. The core issue involved in the present writ petition is whether B.A. Psychology and Sociology is equivalent qualification to B.A. Psychology or not. The very same issue was referred to the Expert Committee and the Expert Committee opined. The State Government had issued a Government order after obtaining the recommendation of the Equivalence Committee and issued G.O.(Ms)No.244 dated 07.11.2022, in which, item No.34, is mentioned as follows :

Item No.	Subjects	Equivalence Committee Recommendations
34.	Public Services-Educational Qualification - Consideration of B.A., Psychology and Sociology offered by lady Doak College, Madurai affiliated to Madurai Kamaraj University as to whether equivalent to B.A., Sociology for the purpose of employment in Public Services.	Not Equivalent



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7. A perusal of the above said Government Order, makes it clear that the education qualification consists of B.A. Psychology and Sociology offered by Lady Doak College, Madurai, affiliated with Madurai Kamaraj University, where, the petitioner acquired the qualification, is not equivalent to B.A. Sociology for the purpose of employment in public services. When categorically they stated in the Government Order, unless Government Order is not quashed in the manner known to law, the claim made in the writ petition cannot be granted. Hence, the prayer sought for by the petitioner cannot be granted.

8. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To

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M.DHANDAPANI, J.

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(2/2)**

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