



W.P.No.13916 of 2010

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.07.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.13916 of 2010

Harikrishnan

...Petitioner

vs.

1. The Chairman,
Tamil Nadu Uniformed Services &
Recruitment Board, Chennai – 2

2. The Secretary to Government,
Home (Police IV) Department,
Fort St. George, Chennai - 9

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration, declaring the method of acquiring graduation prescribed in educational qualification prescribed for the post of Sub Inspector of Police for the year 2010 in clause XVII (2) as per the advertisement No.110 dated 01.04.2010 issued by the 1st respondent for the 20% departmental candidates is null and void and ultra vires of the service rules.



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For Petitioner : Mr.K.Santhosh Kumar
For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by Ms.D.Sowmi Dattan
Standing Counsel for R1
: Mr.S.Rajesh
Government Advocate for R2

ORDER

The declaration is sought for that the method of acquiring graduation prescribed in educational qualification for the year 2010 in clause XVII (2) as per the advertisement No.110 dated 01.04.2010 issued by the 1st respondent for the 20% departmental candidates as null and void and ultra vires of the service rules.

2. Heard Mr.K.Santhosh Kumar, learned representing counsel for the petitioner, Mr.P.Kumaresan, learned Additional Advocate General assisted by Ms.D.Sowmi Dattan, learned Standing Counsel for the first respondent and Mr.S.Rajesh, learned Government Advocate for the second respondent.



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3. The writ petitioner who was directly recruited as Grade II Police Constable through a selection conducted by the Tamil Nadu Uniformed Services Recruitment Board, Chennai on 14.04.1997. He was upgraded as Grade I Police Constable on 15.04.2007. As regards the educational qualification, the petitioner submits that he has completed 10 standard and failed in Plus Two. Thereafter, he got Bachelor's Degree in History from the Madras University in May 2002 and completed P.G. Degree in Public Administration through correspondence course of Madras University in the year 2005. The petitioner did not complete his Plus Two course.

4. As per Advertisement No.110 dated 01.04.2010, the educational qualifications is extracted hereunder:

"the candidates should possess a degree from an University or Institution recognised by UGC prior to the notification. Any candidate who possesses the degree under Open University Scheme must have passed 10th standard SSLC examination and +2 Higher Secondary Examination prior to obtaining the degree in UG/PG. If the candidate possesses Post Graduate degree through Open University without undergoing the Under Graduate degree the same will not be accepted."



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5. The relevant portion of G.O.Ms.No.107 dated 18.08.2009 is also culled out, which is extracted as follows:

"The Government carefully examined this recommendation and having decided to accept the recommendation of the Equivalence Committee issues an order recognizing the degrees in Diploma/ Degree/ Post Graduate degrees obtained through Open Universities only after having passed secondary school examination (10th std) and higher secondary school examination (+2) alone for appointment/ promotion in Public Services."

6. The petitioner did not do his +2 after completion of 10th standard. The issue of educational qualification was resolved by the Order of Full Bench of this Court. Wherein validity of G.O.Ms.No.107 has been upheld and a consistent stand has been taken as regards the requirements of educational qualification namely 10+2+3 is mandatory one and failure to comply with the educational qualification would result in disqualification. The petitioner has not completed Plus Two course. The petitioner did not possess the requisite qualification for applying to the post of direct recruitment Sub Inspector of Police as required in the above said notification. Therefore, he is not eligible to apply for the post of Sub Inspector of Police.



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7. Based on the aforesaid discussions, this writ petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petition, if any stands closed.

16.07.2024

(3/11)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

1. The Chairman,
Tamil Nadu Uniformed Services &
Recruitment Board, Chennai – 2

2. The Secretary to Government,
Home (Police IV) Department,
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R.KALAIMATHI, J.

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