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W.P.No.14063 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.07.2024

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THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.14063 of 2010

K.Srinivasan

...Petitioner

vs.

1. Secretary to Government,
Home Department,
Fort St.George,
Chennai 600 009.

2. Director General of Police,
Chennai 600 004

3. The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
Anna Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Notification issued by the third respondent herein in Advertisement No.110 in "Thina Thanthi" daily Tamil Newspaper dated 01.04.2010 and quash the same only insofar as not accepting the Post Graduate Degrees obtained in the Open University without completing the Under Graduate at Para XVII(2) is concerned and consequential order issued by the third respondent herein in his proceedings



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Na.Ka.No.R1/1515/2010 dated 28.06.2010 and quash the same and consequently direct the third respondent herein to allow the petitioner to participate in the selection to the post of Sub-Inspector of Police (Direct Recruitment) for the year 2010 in the light of G.O.Ms.No.107 Personnel & Administrative Reforms (M) Department dated 18.08.2009 and appoint the petitioner as Sub-Inspector for the year 2010 if he is otherwise qualified.

For Petitioner	: No Appearance
For Respondents	: Mr.S.Rajesh Government Advocate for R1 & R2 : Mr.P.Kumaresan Additional Advocate General assisted by Ms.D.Sowmi Dattan Standing Counsel for R3

ORDER

The Advertisement notification issued by the third respondent herein in Advertisement No.110 dated 01.04.2010 in Thina Thanthi daily Tamil newspaper is under challenge.

2. Heard Mr.S.Rajesh, learned Government Advocate for the first and second respondent and Mr.P.Kumaresan, learned Additional Advocate General assisted by Ms.D.Sowmi Dattan, learned Standing Counsel for the third 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 in the year 1997. She was upgraded as Grade I Police Constable in the year 2007. As regards the educational qualification, the petitioner submits that she has completed 10 standard in the year 1990 and 12th standard in the year 1992. Thereafter, she got Master's Degree in Population Studies from the Annamalai University under Distance Education in May 2000. The petitioner did not complete his Bachelor's Degree.

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 Bachelor's Degree after completion of 12th 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 Bachelor's Degree. 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 aforestated discussions, this writ petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petition, if any stands closed.

16.07.2024

(9/11)

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

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To

1. Secretary to Government,
Home Department,
Fort St.George,
Chennai 600 009.
2. Director General of Police,
Chennai 600 004
3. The Chairman,
Tamil Nadu Uniformed Service Recruitment Board,
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R.KALAIMATHI, J.

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