



W.P.No.25800 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.25800 of 2012
and M.P.No.1 of 2012

R.Jeya Prakash

... Petitioner

Vs.

The General Manager,
Tamil Nadu Government Transport Corporation,
(Villupuram Ltd.),
Vellore Division,
Vellore – 9.

... Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner for selection and appointment to the post of Conductor based on the interview held on 14.08.2012 as per the proceedings of the respondent in Ku.No.10430/Ne4/TNGTC (Villupuram)/Vellore/2012 dated 04.08.2012 by accepting Secondary School Leaving Certificate obtained by the petitioner by writing SSLC Examination privately.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.M.Aswin,
Standing Counsel



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ORDER

This writ petition has been filed by the petitioner to direct the respondent to consider the petitioner for selection and appointment to the post of Conductor based on the interview held on 14.08.2012 as per the proceedings of the respondent in Ku.No.10430/Ne4/TNGTC (Villupuram)/Vellore/2012 dated 04.08.2012 by accepting Secondary School Leaving Certificate obtained by the petitioner by writing SSLC Examination privately.

2. The case of the petitioner is that the petitioner has studied 9th standard in Madras Matriculation School, Arni Road, Bagayam, Vellore-2. Due to family circumstances, the petitioner got transfer certificate from the school in the year 1995 and joined 10th standard privately during the academic year 1995-96 and appeared for the Public Examination in March 1996. The petitioner has passed in three subjects viz., English, Mathematics and Social Science and failed in two subjects i.e., Tamil and Science by securing 27 & 22 marks respectively. Thereafter, he has cleared all the papers in March 2000 and registered his qualification in the District Employment Exchange.



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2.2. This being so, the respondent corporation has called for list of eligible persons from the Employment Exchange for filling up the post of Conductor and the petitioner's name was also sponsored for selection and appointment to the said post based on his qualification and seniority. Subsequently, the respondent has issued a call letter dated 04.08.2012, informing the petitioner to attend the interview on 14.08.2012 along with relevant certificates. Accordingly, the petitioner has attended the interview and underwent physical test and other tests apart from producing all certificates as required. However, the petitioner's candidature was not considered for appointment on the premises that he has not studied SSLC in the Government Recognized School. Hence, the petitioner has come forward with the present writ petition seeking direction to the respondent to consider him for selection and appointment to the post of conductor based on the interview held on 14.08.2012 as per the proceedings of the respondent in Ku.No.10430/Ne 4/TNGTC (Villupuram)/Vellore/2012 dated 04.08.2012 by accepting the Secondary School Leaving Certificate obtained by him by writing SSLC examination privately.

3. Learned counsel for the petitioner submitted that the petitioner has



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written the Public Examination conducted by the State Government and the fact remains that the Board of Government Examinations permits the students to write Public Examination privately. Passing of 10th standard Public Examination privately is eligible minimum general qualification for the purpose of securing public employment.

4. Learned counsel for the petitioner further submitted that the Joint Director of Government Examination, Chennai – 6 has issued proceedings in Na.Ka.No.034987/B1/2012 dated 24.08.2012 stating that public examination for 10th standard can be written both kind of students undergoing education in school or privately and it is a single common examination to everyone and if a student is writing the examination through a school, the name of the school will be recorded in the certificate and if the student is writing the examination privately, it will be recorded as private; in the certificate of mark statement. Therefore, it has been made clear that the petitioner is entitled to write 10th standard examination privately by which he has acquired minimum eligible qualification for securing public examination.

5. Heard the learned counsel for the petitioner and perused the materials



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available on record.

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6. The petitioner has applied for the post of Conductor subsequent to the notification issued by the respondent in the year 2012. The basic qualification for the post of conductor is 10th standard, whereas the petitioner has studied only 9th standard. Thereafter, he has appeared in S.S.L.C examination privately, which was conducted in the year 1996 and has passed in three subjects viz., English, Mathematics and Social Science and failed in two subjects i.e., Tamil and Science by scoring 27 and 22 marks respectively. Subsequently, he has appeared in S.S.L.C examination privately in the year 2000 only for one paper i.e., Science, where he has secured 35 marks and not cleared the Tamil paper. Since, he has not qualified in Tamil, the petitioner is not eligible for the post of Conducted based on his qualification. Moreover, subsequent recruitment have also been taken place from the year 2012, this Court is not inclined to entertain this writ petition.

7. For the above foregoing reasons, this writ petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is also closed.

11.01.2024



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Index : Yes/No

Speaking Order : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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To:

The General Manager,
Tamil Nadu Government Transport Corporation,
(Villupuram Ltd.),
Vellore Division,
Vellore – 9.

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