



W.P.No.7856 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.11.2023

PRONOUNCED ON : 22.04.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.7856 of 2015

Parimaladevi

...Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
rep. By its Secretary,
Frazer Bridge Road,
Park Town, Chennai – 600 003.

2. University Grants Commission (UGC)
Rep. By its Secretary,
Bahadur Shah Zafar Marg.
New Delhi – 110 002.

3. K.V.Rajkumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the first respondent to appoint the petitioner to the post of Deputy Collector in Tamil Nadu Civil Service as per the result in examinations conducted by the first respondent under the Rule of Reservation as per G.O.Ms.No.145 dated 30.09.2010 Personal and Administrative Reforms (S) Department for Persons Studied in Tamil Medium (PSTM).

For petitioner : Mr.A.S.Balaji, M.Jothikumar



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For R1 : Mr.C.N.G.Niraimathi
for TNPSC
For R2 : Mr.P.R.Gopinathan
For R3 : Mr.Balan Haridas

ORDER

This writ petition is filed seeking for a mandamus directing the first respondent to appoint the petitioner to the post of Deputy Collector in Tamil Nadu Civil Service as per the result in examinations conducted by the first respondent under the Rule of Reservation as per G.O.Ms.No.145 dated 30.09.2010 Personal and Administrative Reforms (S) Department for Persons Studied in Tamil Medium (PSTM).

2. The facts in brief culled out from the affidavit enclosed are as follows:

2.1. The petitioner has applied for various posts in Group I cadre, as per the notification No.49 of 2012 dated 16.11.2012 by the Tamil Nadu Public Service Commission (TNPSC) in the cadre of Deputy Collector, Deputy Superintendent of Police, Assistant Commissioner (Commercial Taxes), District Registrar and District Employment Officer. As per the proceedings, only a single application was required to be submitted even if the candidate opts for more than one post. The petitioner's application was



processed and thereafter, he appeared for written examination and oral test and basing on the performance of the petitioner, he obtained 540.50 marks and subsequently, appointed as Assistant Commissioner (Commercial Taxes) in Tamil Nadu Commercial Taxes service by direct recruitment for the year 2011-2013.

2.2. The first respondent service commission has allotted 20% of vacancies towards students who studied in Tamil Medium which is termed as PSTM (Persons Studied in Tamil Medium) as per G.O.Ms.No.145 Personal and Administrative Reforms (S) Department, dated 30.09.2010. The petitioner studied B.A.and M.A degree in tamil medium. Thereby, the petitioner claims to consider his candidature under 20% reservation as per G.O.Ms.No.145, *ibid*, The third respondent who has secured more marks than the petitioner had preferred reservation under PSTM and opted for Deputy Collector. Thereby, the third respondent was appointed as Deputy Collector.

2.3. The petitioner came to know that the third respondent has completed his Engineering as his main degree in english medium while he was pursuing Engineering degree he simultaneously pursued B.A. In Tamil



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medium through distance education. The results of the third respondent were withheld by the first respondent as the second respondent UGC did not recognize dual degree at the time of issuance of notification No.49 of 2012 dated 16.11.2012 issued by the first respondent. However, second respondent has changed the policy and permitted two course simultaneously. However, at the time of issuance of the notification by the first respondent service commission, the second respondent did not accept dual degree programme. Further, the decision taken by the second respondent to accept two degree programs simultaneously is only prospective in nature. Therefore, according to the petitioner, she is entitled for appointment as Deputy Collector by revoking G.O.Ms.No.145 Personal and Administrative Reforms (S) Department, dated 30.09.2010 and the third respondent is not eligible for the same. However, the same was not considered. Aggrieved by the same, the present writ petition is filed.

3. The first respondent service commission has filed counter affidavit and stated that at the time of filing this writ petition, this Court has passed an interim order with the following observations:

“ Notice of motion returnable by 05.06.2015 private notice is also permitted. Any appointment of the 3rd respondent to the post of Deputy Collector would be subject to the result of



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the writ petition.”

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The third respondent has filed W.P.No.18144 of 2014 and this Court has passed the following orders:

“The affidavit filed in support of the writ petition shows that the petitioner is ranked No.1 in so far as Persons Studied in Tamil Medium list is concerned.

The Tamil Nadu Public Service Commission is directed to consider the case of the petitioner for appointment under the preferential allotment to persons studied in Tamil Medium and pass appropriate orders as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order.”

The educational qualifications of the third respondent with the year of completion is tabulated below for ready reference :

S.No.	Course	Year of Passing
1	SSLC	March 2006
2	HSC	March 2008
3	B.A. (Tamil)	January 2012 (January 2008, December 2010, Programme year) Tamil Nadu Open University
4	B.E. (E.C.E)	April 2012 (July 2008, May 2012) Anna University

The third respondent has acquired B.E. degree during the year 2008-2012 in regular stream and simultaneously, he has also acquired B.A. (Tamil) degree during the period 2008-2010 through Distance Education in the

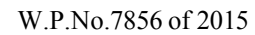


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Tamil Nadu Open University. Therefore, the admission of the third respondent was admitted provisionally subject to the decision that shall be taken by the Commission regarding the dual degree. As per the records, the third respondent had pursued B.A. (Tamil) course from January 2008 to December 2010, before completion of HSC and on the basis of his B.A. (Tamil) degree he has claimed PSTM reservation.

4. The first respondent Commission has sought for clarification from the UGC regarding the validity of third respondent degree. The first respondent Commission has received clarification from the second respondent that dual degree possessed by the third respondent is not recognized by the UGC, during the time he had acquired the same. In view of the subsequent development, the first respondent has filed a review application No.104 of 2015 before this Court in respect of the order dated 13.01.2015 in MP.Nos.1 and 2 of 2014 and W.P.No.18144 of 2011 filed by the third respondent.

5. The second respondent has filed counter affidavit and stated that University Grants Commission Act, 1956, which came into force w.e.f. 05.11.1956 and the Act was enacted to make provisions for the co-



6. Further, the second respondent, in paragraph 7 of the counter affidavit has stated that the second respondent the University Grants Commission, has not framed any policy on pursuing more than one degree simultaneously so far and stated that the policy is under consideration. It is also specifically stated in paragraph 8 of the counter affidavit that as far as the qualification required for the post of Deputy Collector in Tamil Nadu Civil Services is concerned, it is for the respective employer, i.e. Government of Tamil Nadu to decide the required qualifications that is suitable for the said post according to the recruitment rules.



7. The third respondent whose recruitment is under question has not filed counter affidavit.

8. Heard both sides and perused the materials available on record.

9. The point for consideration is whether the third respondent can claim reservation under PSTM as per G.O.Ms.No.145 dated 30.09.2010. The petitioner and the third respondent have competed for the post of Deputy Collector in the direct recruitment as per the notification issued by the first respondent *vide* notification No. 49 of 2012 dated 16.11.2012. The third respondent stood first in merit whereas the petitioner stood second in the merit and there was only one vacancy of Deputy Collector. Both of them have claimed for reservation under PSTM. However, the first respondent has withheld the selection of the third respondent on the ground that he has obtained B.A. Tamil degree during the year 2008-2010 from Tamil Nadu Open University and claimed PSTM and that at some time and during the same period he has obtained B.E. Degree in the year 2012 as regular candidate in Anna University. He has pursued B.A. Tamil through distance education during the period he was



pursuing B.E. degree as a regular candidate. If B.A. Tamil degree is not recognized, he will lose his reservation under PSTM and thereby, the petitioner will get the post of Deputy Collector in the place of third respondent and vice versa and in case if third respondent is permitted to claim reservation under G.O.Ms.No.145, he will be the topper of the list in Group I services.

10. The first respondent Commission has sought for clarification from the second respondent UGC in respect of the acceptance of dual degree and according to the counter affidavit, the second respondent has clarified that dual degree possessed by the third respondent is not-recognized by the UGC as on the date when he has acquired it and therefore, according to the first respondent, as on the date of acquiring B.A. Tamil in the year 2008-2010 the dual degree was not recognized by UGC. Therefore, the said degree cannot be recognized.

11. According to the second respondent, there was no policy of recognizing more than one degree obtained simultaneously and the said policy was under consideration and it is further stated that the Government of Tamil Nadu has the powers to decide on the required qualifications. In



the mean while, the third respondent has approached this Court and has filed W.P.No.18144 of 2014 wherein the orders passed by this Court is stated *supra*.

12. The first respondent in its counter affidavit has mentioned that as subsequent development the first respondent has filed review application No.104 of 2015 in respect of the orders dated 13.01.2015 and the said review application is still pending.

13. Since the petitioner has got impugned orders at the time of filing of this writ petition, the said appointment of the third respondent is subject to out come of this writ petition and since the third respondent has got an impugned order directing the first respondent to consider the candidature of the third respondent under PSTM, it all depends as to whether review application filed by the petitioner in review application No.104 of 2015 was considered or not. In case if the review application was considered and if the earlier orders passed by this Court in W.P.No.18144 of 2014 has stated *supra*, then the third respondent will lose his status for claiming PSTM and thereby, the petitioner will become meritorious in the list and thereby she will be the topper of the list.



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However, it is seen from the records that the review application against the orders passed in W.P.No.18144 of 2014 was taken up by this Court on 04.09.2015 and was accordingly dismissed. Since the review application was dismissed, the orders of this Court in W.P.No.18144 of 2014 have become final by virtue of which the third respondent candidature has to be considered under the category of PSTM. Once the third respondent is also considered under the category of PSTM then certainly he will top the merit list and thereby, the contention of the petitioner to consider her at the top of the merit list is declined.

14. In view of the above, this writ petition is dismissed. Connected M.P. is closed. No costs.

22.04.2024

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Internet	:	Yes/No
Index	:	Yes/No
Citation	:	Yes/No

DR.D.NAGARJUN,J.



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To,

1. The Secretary,
The Tamil Nadu Public Service Commission,

Frazer Bridge Road,
Park Town, Chennai – 600 003.

2. The Secretary,
University Grants Commission (UGC)
Bahadur Shah Zafar Marg.
New Delhi – 110 002.

Pre-Delivery order made in
W.P.No.7856 of 2015

22.04.2024