



WEB COPY



W.P.No.14620 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14620 of 2024
and W.M.P.No.15895 of 2024

K.Swedhan

...Petitioner

-Vs -

1. Tamil Nadu Public Service Commission,
Rep. by the Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai -3.
2. Tamil Nadu State Council for Higher Education,
Rep. by the Secretary,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Memorandum No.271/PSD-A2/2022 dated 26.06.2024 passed by the first respondent, quash the same and consequently direct the respondents to issue an appointment order to the petitioner for the post of Junior Co-operative Auditor under BC (General) or General category by treating B.Com (Foreign Trade) as equivalent to B.Com, as per the notification



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No.3/2022 dated 23.02.2022. (Prayer amended as per the order dated 15.07.2024 passed in W.M.P.No.20127 of 2024 in W.P.No.14620 of 2024)

For Petitioner : Mr.N.Manokaran
For Respondents
For R1 : Mrs.G.Hema
Standing Counsel
For R2 : Mr.R.Neethiperumal
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 26.06.2024 passed by the first respondent, thereby rejected the candidature of the petitioner to the post of Junior Co-operative Auditor on the ground that the petitioner did not possess prescribed qualification or produced equivalence government order.

2. The petitioner is qualified with Bachelor of Commerce degree in Foreign Trade, from PSG College of Arts & Science, Coimbatore, affiliated to Bharathiyar University. While being so, the first respondent issued notification No.03/2022 for Group-II and Group-IIA services to fill up 67 posts in the total vacancies of 5413. One of the post, which is called for as per the notification, is Junior Co-operative Auditor,



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and it is classified as non-interview post. The education qualification, as per the notification, for Junior Co-operative Auditor is that a degree of B.B.M., or B.Com., or B.Com. (Computer Application) or B.A (Co-operation) or B.A. (Economics) or B.A. (Corporate Secretaryship) or B.B.E., awarded by any university.

3. The petitioner had applied for the said post and attended the written examination. After main examination, the petitioner was called for physical counselling. In the physical counselling, the petitioner was informed that he did not possess the required qualification. As per the notification, the educational qualification is degree in B.B.M., or B.Com., or B.Com. (Computer Application) or B.A (Co-operation) or B.A. (Economics) or B.A. (Corporate Secretaryship) or B.B.E. However, the petitioner is qualified with B.Com.(Foreign Trade) from Bharathiyar University. Therefore, the petitioner submitted representation to consider his case for certificate verification. It was not considered as such the petitioner was constrained to file the present writ petition for direction to direct the respondents to consider the representation submitted by the petitioner for the post of Junior Co-operative Auditor. While pending the



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writ petition, the request made by the petitioner was rejected by the first respondent by an order dated 26.06.2024. Therefore, the petitioner filed petition for seeking amendment to amend the prayer and the same was allowed.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the impugned order revealed that the petitioner failed to produce prescribed qualification or produce equivalence government order as per the notification. The notification is as follows :-

“ The Government orders relating to equivalence of qualification are available on the Tamil Nadu Public Service Commencement's website. However, if the applicant possesses an equivalence of qualification other than one mentioned in the Commission's website and if Government orders to this effect have been issued on or before the date of this notification, applicants should furnish the details of the same while applying and should produce a copy of the Government orders, when called for by the Tamil Nadu Public Service Commission, failing



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which their application will be rejected after due process.

The Government orders regarding equivalence of qualification issued after the date of this notification will not be considered for this recruitment”

6. In view of the above facts and circumstances, the petitioner is at liberty to obtain equivalence government order as that of B.Com. (Foreign Trade) is equivalent to B.Com. degree and produce the same before the first respondent within a period of two weeks from the date of receipt of a copy of this order. The first respondent is directed to keep one post of Junior Co-operative Auditor as vacant till then. On receipt of the equivalence government order, if the petitioner is otherwise qualified, the second respondent is directed to appoint the petitioner in the post of Junior Co-operative Auditor in accordance with law.

7. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

15.07.2024
(1/4)

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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Note : Issue order copy on or before 02.08.2024

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G.K.ILANTHIRAIYAN. J.

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To

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai -3.
2. The Secretary,
Tamil Nadu State Council for Higher Education,
Lady Willingdon College Campus,
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