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W.P.No.16024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

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

W.P.No.16024 of 2024 and
WMP.No.17510 of 2024

M.R.Teja

... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. By Secretary to Government,
Department of Higher Education,
Fort St.George,
Chennai 600 009
2. The Tamilnadu Public Service Commission,
Rep. By its Secretary,
TNPSC Road, VOC Nagar,
Chennai 600 003
3. The Registrar,
The University of Madras,
Chennai 600 005

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records in respect of the impugned letter in Memorandum No 271/PSD-A2 /2022 dated 11.06.2024 issued by the 2nd respondent and quash the same as arbitrary and illegal and consequently direct the 2nd respondent



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to accept the G.O.Ms.No.65 Higher Education (K2) Department dated 24.04.2019 produced by the petitioner with regard to considering the qualification possessed by the petitioner as equivalent to the qualification prescribed for the post of Junior Co-operative Auditor in the Department of Co-operative Audit.

For Petitioner : Mr.R.Nalliyappan
for Mr.M.Karthik

For Respondents
For R1 : Mr.C.Jayaprakash,
Government Advocate

For R2 : Mrs.G.Hema,
Standing Counsel

For R3 : Mrs.V.Sudha,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 11.06.2024 thereby found some ambiguity in GO.Ms.No.65 Higher Education (K2) Department dated 24.04.2019 and directed the petitioner to produce the equivalent Government order on or before 20.06.2024.



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2. The petitioner is qualified with B.Com degree from the third respondent. The second respondent issued notification No.3 of 2022 dated 23.02.2022 inviting applications for recruitment to various posts. The petitioner applied for the post of Junior Cooperative Auditor. The petitioner had written the examination and the petitioner was called upon to attend certificate verification and counselling for the post of Junior Cooperative Auditor. Though the petitioner attended the counselling on 11.06.2024, however the petitioner was directed to produce any Government order to substantiate that the degree obtained by the petitioner in B.Com (Vocational) awarded by the third respondent is equivalent to B.Com for the purpose of employment in public service. The petitioner produced Government order in GO.Ms.No.65 Higher Education (K2) Department dated 24.04.2019. However, the second respondent found some ambiguity in the said Government order and further directed the petitioner to produce the Government order to the effect that the qualification of B.Com (Vocational) is equivalent to B.Com on or before 20.06.2024. While pending this writ petition, this Court directed the third respondent to clarify whether the course



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undergone by the petitioner in B.Com (Vocational) is equivalent to B.Com.

3. The learned Standing Counsel appearing for the third respondent produced Government order in GO.Ms.No.93 Higher Education (K2) Department dated 30.05.2019 thereby ordered that a new Equivalence Committee be constituted under the Chairmanship of the Secretary to Government, Higher Education Department along with nine members to examine the requests of the educational institutions to issue equivalence to the courses offered by them for the purpose of appointment in the public services. Therefore, the third respondent has no say in this regard.

4. The learned Standing Counsel appearing for the second respondent would submit that though GO.Ms.No.65 Higher Education (K2) Department dated 24.04.2019 states that B.Com (Advertising Sales Promotion and Sales Management) (Vocational) is equivalent to B.Com., it has to be clarified by the third respondent to the effect that the petitioner's degree in B.Com (Vocational) is equivalent to B.Com.



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5. Heard, the learned counsel appearing on either side.

6. On perusal of records, revealed that the petitioner obtained degree in B.Com(Vocational) consisting the core subjects of Financial Accounting, Principles of Marketing & Advertisement and Integrated Marketing communication along with other subjects. Therefore, the petitioner had undergone B.Com (Vocational) with core subjects of Advertising Sales Promotion and Sales Management. Therefore, the Government order in GO.Ms.No.65 Higher Education (K2) Department dated 24.04.2019 is very clear and this Court finds no ambiguity in the said clause. It is relevant to extract Agenda No.6 (ii) of the Government order in GO.Ms.No.65 Higher Education (K2) Department dated 24.04.2019 hereunder:

(ii)	Public Services – Educational Qualification – Consideration of B.Com. (Advertising Sales Promotion and Sales Management) (Vocational) awarded by University of Madras as to whether equivalent to B.Com for the purpose of employment in public services	Equivalent
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7. It is also relevant to extract the subjects undergone by the petitioner in the course of B.Com (Vocational) comparing to B.Com (General) hereunder:

Seme-ster	B.Com(General)	Core Subjects	B.Com(Vocational)
I	Financial Accounting	Same	Financial Accounting
	Modern Marketing	Different	Principles of Marketing & Advertisement
	Business Maths & Statistics-I	Same	Business Maths & Statistics-I
II	Business Law	Same	Business Law
	Business Maths & Statistics-II	Same	Business Maths & Statistics-II
	International Business	Different	Integrated Marketing communication
III	Contemporary Management	Same	Contemporary Management
	Logistics Management	Same	Logistics Management
	Corporate Law	Different	Contemporary Marketing
IV	Corporate Accounting	Same	Corporate Accounting
	Project Management	Same	Project Management
	Human Resource Development	Different	Retail Marketing
V	Research Methodology	Same	Research Methodology
	Cost Accounting	Same	Cost Accounting
	Income Tax Law & Practice	Same	Income Tax Law & Practice
	Computer Training	Same	Computer Training
	Auditing	Different	Entrepreneurial Development
VI	Management Accounting	Same	Management Accounting
	Banking	Same	Banking
	Business Communication	Same	Business Communication
	Project	Same	Project
	Special Accounts	Different	Ad Designing



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8. Therefore, this Court finds no ambiguity in the Government order in GO.Ms.No.65 Higher Education (K2) Department dated 24.04.2019 to consider the qualification of the petitioner in B.Com(Vocational) as equivalent to B.Com. The qualification for the post of Junior Cooperative Auditor as per the notification, is extracted hereunder:

Junior Cooperative Auditor in Cooperative Audit Department	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
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9. In fact, the petitioner was short listed for certificate verification and counselling after written examination. Therefore, the petitioner is eligible to be appointed to the post of Junior Cooperative Auditor if he is otherwise qualified.

10. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed. Accordingly, the impugned order passed by the second respondent dated 11.06.2024 is quashed. The second respondent is directed to accept the candidature of



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the petitioner and proceed with the selection process of the petitioner to the post of Junior Cooperative Auditor, if the petitioner is otherwise eligible.

11. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

16.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
IOk



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To

- 1.Secretary to Government,
Government of Tamilnadu,
Department of Higher Education,
Fort St.George,
Chennai 600 009
- 2.Secretary,
The Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar,
Chennai 600 003
- 3.The Registrar,
The University of Madras,
Chennai 600 005



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G.K.ILANTHIRAIYAN, J.

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