



Writ Petition No.19802 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE BATTU DEVANAND

WP No.19802 of 2018

& WMP Nos.23240 of 2018,

13887 & 20975 of 2019

S.Babu Yogeswaran,
S/o.M.Subbiah, 77/1, Second Cross Street,
Aminjikarai, Chennai-600 029.

Petitioner(s)

Vs

1.The Secretary,
Tamilnadu Public Service Commission, Office at
Frazer Bridge Road, VOC Nagar,
Chennai-600 003.

2. The Principal Secretary
(P&A.R Office at Secretariat, Fort St. George, Chennai-600 009.

3. The Principal Secretary
(Social Welfare), Office at Secretariat,
Fort St. George, Chennai-600 009.

4. The Directorate of Social Defence,
Office at No.300, Purasawakkam High Road,
Chennai-600 010.

5. P.Banumathy,
45/120, K.C.Garden, 1st Street,
Peravallur, Chennai-82.

Respondent(s)

(R5 impleaded vide order dt 13/03/2019 made in WMP.No.1921/19
in WP.No.19802/2018 by SMSJ)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned selection list published by the first respondent herein on 04.07.2018 and quash the same as null and void and consequently direct the respondents herein to include the name of the petitioner in the reserved list by rectifying the mistake in reserved list for the post of Psychologist in the Department of Social Defence in Tamilnadu Approved Schools and Vigilance Service with reference to petitioner's representation dated 26.07.2018.

For Petitioner : Mr.G.Thangavel

For Respondents : Ms.G.Hema, st.counsel for R1
Mr.L.S.M.Hasan Fizal, AGP for R2 to 4
Dr.P.S.Vijayakumar, R5

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the impugned selection list published by the first respondent herein on 04.07.2018 and quash the same as null and void and consequently direct the respondents herein to include the name of the petitioner in the reserved list by rectifying the mistake in reserved list for the post of Psychologist in the Department of Social Defence in Tamilnadu Approved Schools and Vigilance Service with reference to petitioner's representation dated 26.07.2018.



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2.The learned counsel for the petitioner would submit that the petitioner is a Post Graduate in M.Sc.(Psychology). He had applied for the post of Psychologist, and he is fully qualified and eligible to appear for the written test, duly called by notification dated 15.11.2016. As such, he was permitted to appear for written examination on 26.02.2017. The petitioner was called for interview on 19.06.2018. After interview and certificate verification, a final common mark list was published on 19.06.2018 itself. The learned counsel would further submit that the petitioner was not selected for the said post though he secured 318 marks while a candidate, who secured less marks than the petitioner i.e. 300.25 has been kept in the reserved list, by violating the process of selection. Accordingly, the learned counsel contends that not including the name of the petitioner in the reserved list, though he secured more marks than the candidate whose name was included in the reserved list, is discriminatory and sought to set aside the same and direct the respondents to include the name of the petitioner in the reserved list for the post of Psychologist in the Department of Social Defence in Tamilnadu Approved Schools and Vigilance Service, by allowing this Writ Petition.



3. A detailed counter affidavit has been filed on behalf of the first respondent.

4. Based on the counter affidavit, the learned counsel for the first respondent would submit that the petitioner possessed post graduation Degree in M.Sc. (Psychology) awarded by the Tamilnadu Open University and he belongs to MBC/DC category. He has secured 318 marks in written examination and oral test taken together. However, he could not be considered for the post of Psychologist in the Department of Social Defence in Tamil Nadu Approved Schools and Vigilance Service as he does not possess the prescribed educational qualification as per the notification. As per the notification, for the said post, the educational qualification prescribed is M.A. (Psychology). But the petitioner possessed M.Sc. (Psychology). As such, the next candidate, who possessed prescribed qualification i.e., M.A. (Psychology) has been placed in the reserved list, as the petitioner did not possess the requisite qualification. The learned Standing counsel further submits that as per G.O.(Ms).No.123, Higher Education(K2)Department, dated 25.06.2018 in which M.Sc., Counselling and Guidance/advanced organisational behaviour Psychology awarded by



Madras University is considered as equivalent to M.A., (Psychology) for the post of Psychologist in the Department of Social Defence in Tamilnadu Approved Schools and Vigilance Service. Since, the educational qualification of the petitioner is not in consonance with the said G.O., learned counsel submits that the petitioner is not entitled for the relief sought in this Writ Petition and accordingly, she requested to dismiss the Writ Petition.

5. Heard the submissions made by the respective counsels for the parties and carefully perused the entire material available on record.

6. It is an admitted fact that the petitioner possessed the Post Graduate Degree in M.Sc (Psychology). As per the educational qualification prescribed for the post of Psychologist in the Department of Social Defence in Tamilnadu Approved Schools and Vigilance Service, a candidate should possess a Degree of B.A.(Hons) or M.A.,(Psychology). In the present case, admittedly, the petitioner possessed a Degree of M.Sc (Psychology), which is not prescribed as requisite qualification in the notification. Accordingly, though the petitioner possessed 318 marks in the written examination and in



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the interview taken together, a candidate who secured less marks i.e., 300.25 and who possessed a degree of M.A.,(Psychology) qualification is kept in the reserved list. As per G.O.(Ms).No.123, Higher Education(K2)Department, dated 25.06.2018, which has been issued based on the resolutions passed in 58th Equivalence Committee Meeting held on 23.04.2018, the M.Sc(Psychology) Degree possessed by the petitioner is not declared as equivalent to the Degree of M.A.(Psychology).

7. For the above said reasons, the contention of the petitioner that by including a candidate in the reserved list, who secured less marks than the petitioner is discriminatory, is not acceptable, as the petitioner did not possess the prescribed educational qualification as per the notification and therefore, in our considered view, he is not entitled for the relief sought in the Writ Petition.

8. Accordingly, this Writ Petition is dismissed.

No costs.

Consequently connected miscellaneous petitions are closed.

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Index : Yes/No



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Speaking order: Yes/No
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To

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Tamilnadu Public Service Commission, Office at Frazer
Bridge Road, VOC Nagar, Chennai-600 003.

2. The Principal Secretary (P&A.R
Office at Secretariat, Fort St. George, Chennai-600 009.

3. The Principal Secretary
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BATTU DEVANAND, J

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