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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.28301 & 28304 of 2021
and
W.M.P.Nos.29884 & 29888 of 2021

S.Anbarasu ... Petitioner
[in W.P.No.28301 of 2021]

V.Vasudevan ... Petitioner
[in W.P.No.28304 of 2021]

versus

The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar
Park Town, Chennai - 600 003.
Tami Nadu ... Respondent
[in both W.Ps]

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondent to consider the candidature of the petitioners for the post of Assistant Director Horticulture vide the respondent's Notification dated 05.02.2021 vide Notification No.03/2021.

For Petitioner : Mr.A.Thirumaran
[in both W.Ps]
For Respondent : Mr.Abrar Mohammad Abdullah



[in both W.Ps]

Standing Counsel for TNPSC

COMMON ORDER

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Heard Mr.A.Thirumaran, learned counsel for the petitioners and Mr.Abrar Mohammad Abdullah, learned Standing Counsel for the respondent and perused the materials available on record.

2. The petitioners' had filed these petitions seeking a writ of mandamus, directing the respondent to consider their candidature to the post of Assistant Director Horticulture *vide* the respondent's Notification No.03/2021 dated 05.02.2021.

3. In pursuant to the Notification dated 05.02.2021, the petitioners applied to the post of Assistant Director of Horticulture and Horticultural Officer. The examination was conducted by the respondent also and the petitioners came successfully. In the list published by the respondent for certificate verification between 04.10.2021 and 12.10.2021, the petitioner's registration numbers also appeared. However, after certificate verification, the petitioners' names were not included for oral test and they gave a representation on 15.12.2021 but the same was not considered so far and



hence, the petitioners had filed these writ petitions.

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4. Mr.Abrar Mohammad Abdullah, learned Standing Counsel for the respondent submitted that the petitioners were found to be ineligible to attend the oral test because they have not produced the equivalent certificate as contemplated in the Notification. The petitioners are said to have secured M.Sc., (Agriculture) in Horticulture from Bihar Agricultural University, Sabour, Bhagalpur and Govind Ballabh Pant University of Agriculture & Technology, Pantnagar, Uttarakhand, respectively. However, as per G.O.(Ms.)No.271, Agriculture (AAI) Department, dated 06.11.2017 only the M.Sc. (Agriculture) in Horticulture awarded by Annamalai University is equivalent to M.Sc. (Horticulture) for the purpose of employment in public services.

5. Since the petitioners had not produced any equivalent certificate as prescribed under para 4.(B)(ii)&(iii) of the Notification, the candidature of the petitioners had been rejected by the respondent. For a better appreciation, Rule 4(B)(ii)(iii) of the Notification would read as under:-



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"(ii) The qualifications considered equivalent are indicated in Annexure-II to this notification.

(iii) Applicants claiming equivalence of qualification to the prescribed qualification should upload and submit evidence for equivalence of qualification, in the form of Government Order issued on or before the date of this notification, and produce it when called for, falling which, their application will be summarily rejected. The government orders regarding equivalence of qualification issued after the date of this notification will not be accepted."

6. Unless the educational qualification of the petitioners is recognised as per the Regulations for furnishing equivalent certificate, the respondent cannot consider them for appointment or oral test. The petitioners had applied to the post Assistant Director of Horticulture and Horticultural Officer, knowing pretty well that they have to produce the equivalent certificate as prescribed under the Rules. In the absence of the same, no direction can be given to the respondent to consider the case of the petitioners in future appointment to the post of Assistant Director of Horticulture and Horticultural Officer.



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In view of the above stated reasons, these Writ Petitions are **dismissed**. No costs. Consequently connected Miscellaneous Petitions are closed.

26.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar
Park Town, Chennai - 600 003.
Tami Nadu



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R.N.MANJULA, J.

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