



W.P.No.26608 of 2024

**W.P.No.26608 of 2024**  
**and W.M.P.No.29121 of 2024**

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**N.ANAND VENKATESH, J.**

When the matter was taken up for hearing on 25.10.2024, the following order was passed by this Court:

*“This writ petition has been filed challenging the notification issued by the 2<sup>nd</sup> respondent dated 13.08.2024 as violative of the existing Rules and for a consequential direction to the 2<sup>nd</sup> respondent to issue a fresh notification for the post of Field Surveyor, Draftsman and Surveyor-cum-Assistant Draftsman by rectifying all the discrepancies and specify a common syllabus for both Diploma and B.E. Degree holders in Civil Engineering and I.T.I. Certificate holders.*

*2.The petitioners have questioned the notification issued by the Tamil Nadu Public Service Commission mainly on two grounds and they are:*

*a)As per G.O.Ms.No.108, dated 11.03.2022, the Special Rules were amended and for the post of Field Surveyor, certain qualifications were prescribed which are as follows:*

| <b>Class, Category and Name of the Post</b> | <b>Qualifications</b>                                                                                                                                    |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Field Surveyor</b><br>Category 4         | i. A Diploma in Civil Engineering from any institute approved by All India Council for Technical Education (or)<br>ii. National Trade Certificate in the |



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| Class, Category and Name of the Post | Qualifications                                                                                                                                                                    |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | trade of Surveyor awarded by National Council for Vocational Training (for Surveyor) (or)<br>iii. A Certificate in Army Trade Surveyor (field) issued by Madras Engineering Group |

*The qualification prescribed by the 2nd respondent in the notification for the post of Field Surveyor is as follows:*

| S.No | Name of the Post | Post Code    | Qualification and Experience                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------|------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27   | Field Surveyor   | in Para No.3 | <p>i. A Diploma in Civil Engineering from any Institute approved by All India Council for Technical Education (or)</p> <p>ii. National Trade Certificate (NTC) in the trade of Surveyor awarded by National Council for Vocational Training (for Surveyor) (or)</p> <p>iii. A Certificate in Army Trade Surveyor (field) issued by Madras Engineering Group</p> <p>Other things being equal, preference shall be given to</p> <p>(a) Candidates with Industrial Training Institute qualification in survey;</p> <p>(b) Demobilized person from any of the defense services</p> |

*In view of the above, it was contended that the amendment of the Special Rules did not contemplate any preference and whereas, the notification has been issued by granting preference to certain candidates in violation of G.O.Ms.No.108, dated*



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*b)The amendment to the Special Rules and the Notification only contemplates qualification of Diploma in Civil Engineering and whereas, it is proposed to conduct two separate examinations - one for the Diploma holders and the other for the I.T.I. holders. Conducting separate examinations for I.T.I. holders is not warranted, since the Special Rules does not contemplate I.T.I. as a qualification. That apart, the Notification also does not contemplate any ratio between Diploma holders and I.T.I. holders. The evaluation for both of them is going to be done separately. The syllabus for the Diploma holders and the syllabus for the I.T.I. holders and their standard is completely different. The notification does not have any clarity as to how they are going to treat the Diploma holders and the I.T.I. holders in tandem.*

*3.The learned Standing Counsel appearing on behalf of TNPSC submitted that by virtue of G.O.Ms.No.108, dated 11.03.2022, the table which inserted was to form part after Sub Rule (d). Therefore, the preference that has been mentioned in the notification is in line with the old Rule which contemplated such preference and which was not supplanted by virtue of G.O.Ms.No.108, dated 11.03.2022. Therefore, it was submitted that the prescription of qualification in the notification is well in line with the Rules.*

*4.Insofar the second issue is concerned, the learned Standing Counsel wants to take instructions.*

*5.In the considered view of this Court, the petitioners have rightly challenged the notification even at the inception, since they cannot participate*



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*in the selection and later turn around and question the notification. Therefore, the stage at which this notification has been challenged is perfectly in order.*

*6.The learned Standing Counsel appearing on behalf of TNPSC has to necessarily get some clarity on the second issue. There is no use in proceeding further with the selection without having a clarity as to why I.T.I. holders are dealt with separately when the Rule itself does not contemplate I.T.I. as a qualification. At the best, the Rule only talks about giving preference to the I.T.I. Holders. That apart, even if the I.T.I. holders who are also having a diploma are permitted to participate, there can only be a common examination and no useful purpose will be served in having two separate examinations for I.T.I. and Diploma holders. Even if separate examination is conducted, the notification does not contemplate any ratio between the Diploma holders and the I.T.I. Holders.*

*7.All the above questions that have been raised must be answered by TNPSC. There is no use in dealing with these issues after going ahead with the selection, since third party rights will be involved at a later point of time.*

*8.Post this writ petition at the end of the motion list on 30.10.2024.”*

2.When the matter was taken up for hearing today, this Court heard the learned Senior Counsel for the petitioners and the learned Advocate General for the respondents.



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3.The learned Advocate General submitted that preparations have now been made to conduct the examination and large number of candidates are going to participate in this examination. The learned Advocate General therefore, submitted that canceling or postponing the examination will cause hardship to those candidates.

4.In the considered view of this Court, the issue that was raised by this Court at paragraph No.6 of the earlier order passed on 25.10.2024 will have to be resolved before the examination is conducted. This is in view of the fact that large number of candidates are going to take the examination and if ultimately, the Court interferes with the method that has been prescribed in the Notification, it will totally unsettle the selection process and it will cause more hardship to the candidates. It is also brought to the notice of this Court that in so far as the three posts, nearly 483 vacancies will have to be filled up. Therefore till there is some clarity in this regard, there is no question of permitting the Tamil Nadu Public Service Commission (TNPSC) to conduct the examination.



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5.This Court finds that a *prima facie* case has been made out and hence, there shall be a direction to the TNPSC not to proceed further with the examination that is slated to be held on 09.11.2024 and 14.11.2024. Until a solution is found out, conducting the examination will cause only more confusion. The selection process shall be kept in abeyance for those 483 vacancies until further orders are passed by this Court.

6.Post this case at the end of the motion list on 06.11.2024.

**30.10.2024**

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