



W.A.No.1168 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1168 of 2021

1. The Chairman
Tamil Nadu Public Service Commission
Frazer Bridge Road, Chennai – 600 003.
2. The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road, Chennai – 600 003.
3. The Deputy Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road, Chennai – 600 003. .. Appellants

Vs.

E.Sankar .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 22.07.2019 in W.P.No.29616 of 2014.

For the Appellants : Ms.G.Hema
 Standing Counsel

For the Respondent : Mr.S.Thirumavalavan



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JUDGMENT

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

The writ order dated 22.07.2019 in W.P.No.29616 of 2014 is under challenge in the present intra Court appeal. The Tamil Nadu Public Service Commission (for brevity, "TNPSC") is the appellant before us.

2. The respondent admittedly participated in the process of selection for Group-IV Services, pursuant to the notification issued by TNPSC. He was successful in written examination. During certificate verification, the case of the respondent was rejected by the appellant TNPSC mainly on the ground that he had not undergone regular Degree course, i.e., 10+2+3. The respondent has not produced any equivalence Government Order to establish that the Military Training Certificate is equivalent to +2 Course in the State of Tamil Nadu. Such an equivalence certificate must be granted by the Government of Tamil Nadu for the purpose of considering the candidates for selection and appointment to public posts.



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3. The learned Standing Counsel for the appellants would submit that the respondent has not enclosed any such Government Orders granting equivalence so as to consider his candidature for final selection. In the recruitment notification, paragraph 3(B)(a) Note (1) stipulates that "*the qualification prescribed for these posts should have been obtained by passing the required qualification in the order of studies 10th, HSC, U.G. Degree, P.G. Degree (i.e., 10+2+3)*". Note (2) also stipulates that the equivalence certificate must be produced in the form of a Government Order for the purpose of considering the candidature.

4. Pertinently, the order of the Hon'ble Supreme Court of India, in the case of ***Annamalai University v. Secretary to Govt., Information & Tourism Dept.***¹, held that the Open University Degrees are invalid. The said judgment of the Supreme Court has been implemented by the Government of Tamil Nadu in G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009. As per the said Government Order, candidates who have

¹ (2009) 4 SCC 590

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undergone regular pattern of education, that is 10+2+3 alone are eligible for appointment to the public posts.

5. The learned Standing Counsel for the appellants would further contend that the respondent could not produce any Government Order to establish that the Military Training Certificate, enclosed by him along with the application, is equivalent to +2 Course in the State of Tamil Nadu. Therefore, his candidature was rejected. The selection process was completed in the year 2011-12.

6. *Mr.S.Thirumavalavan*, learned counsel appearing on behalf of the respondent would oppose by stating that the respondent is fully qualified for selection and appointment to Group-IV Services in the Government of Tamil Nadu. He produced all the particulars and subsequently, produced the notification issued by the Government of India, Ministry of Personnel and Administrative Reforms, which would indicate that the Military Training Certificate is to be considered for public appointments.



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7. Further, *Mr.S.Thirumavalavan* would contend that the Government of Tamil Nadu also issued G.O.Ms.No.106, Personnel and Administrative Reforms (R) Department, dated 18.08.2009 dated 11.06.1999, that Military Trade and Civil Trade, as published in Government of India, are to be recognized for the purpose of employment in Public Services. When the Government of Tamil Nadu issued orders recognizing the Military Training Certificate, TNPSC ought to have considered the case of the respondent for appointment to Group-IV Services.

8. The facts and circumstances of the case would indicate that the Government Orders, now produced before this Court by the respondent, have not been enclosed along with the application filed by the respondent. It is one of the condition stipulated in the notification that equivalence order of Government of Tamil Nadu should be enclosed along with the application for consideration. More so, the Government Orders, in general, cannot be considered for the purpose of selecting the respondent.



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9. The Government Orders, now produced before this Court, would indicate that the Military Trade Training Certificates are to be recognized for the purpose of employment in Public Services. However, there is no Government Order produced to establish that such Military Training Certificate issued are equivalent to +2 Course in the State of Tamil Nadu. What is required is the equivalence order, issued by the Government. In the absence of any such order, the Court cannot interfere merely based on the general Government Orders passed to that effect. The counter filed by the appellants before the writ court would indicate that the Government of Tamil Nadu, Personnel and Administrative Reforms (S) Department, vide letter dated 26.01.2008, have issued clarifications in regard to equivalence of Degree obtained in Army/Navy/Air Force. The operative portion reads thus:

"No orders have been issued equating the degrees obtained in the Army, Navy and Air Force with that of the degrees given by the Universities listed out in Schedule II to General Rules for Tamil Nadu State and Subordinate Services and hence the Graduation Certificate issued by the Army, Navy and Air Force cannot be considered for the purpose of employment in Public Services."



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10. In view of the above facts, we find that the observations made by the learned Single Judge in the order impugned is traversing beyond the scope of the terms and conditions stipulated in the recruitment notification and the essential qualification as prescribed.

11. That being so, the order impugned requires interference. Consequently, the order dated 22.07.2019 in W.P.No.29616 of 2014 is set aside. The writ appeal, accordingly, stands allowed. There shall be no order as to costs. C.M.P.No.7361 of 2021 is also closed.

(S.M.S., J.)

(C.K., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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