



W.P.No.22079 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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M.Velmurugan

.. Petitioner

Vs

1 The State of Tamil Nadu
rep by Secretary to Government
(Police XVIII) Department
Secretariat, Chennai – 600 009.

2 The Director Forensic Science Department
Mylapore, Chennai – 600 004.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to G.O.Ms.No.493, Home (Police XVIII) Department, dated 05.06.2017 and G.O.Ms.No.494, Home (Police XVIII) Department, dated 05.06.2017 and quash the same and consequently direct the respondents to frame service rules in respect of the posts created by the 1st respondent in G.O.Ms.No.707 dated 11.08.2010 by fixing the qualification in tune with the requirements of the Information



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Technology Act 2000 qualifications in the Degree/PG Degree in the Computer Science, namely MCA/MSC Computer Science/BE Computer Science.

For the Petitioner : Mr.M.Gnanasekar

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.K.Karthik Jegannath
Government Advocate

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.M.Gnanasekar, learned counsel for the petitioner; and Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.K.Karthik Jegannath, learned Government Advocate, on behalf of the respondents.

2. The present writ petition is filed as a public interest litigation, thereby assailing G.O.Ms.No.493, Home (Police XVIII) Department, dated 05.06.2017 and G.O.Ms.No.494, Home (Police XVIII) Department, dated 05.06.2017.



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3. Learned counsel for the petitioner submits that the qualification for appointment in the Computer Forensic Division/Unit is prescribed as M.Sc. Degree in Physics/Computer Science/ Chemistry and in the Note it says that the individual who possesses M.Sc. Degree in Computer Science must have acquired a basic degree in Physics or Chemistry as major subject. Further, the individual who possesses M.Sc. Degree in Physics or Chemistry or Forensic Science with a basic degree in Physics or Chemistry as major subject must have acquired a Diploma or Post-graduate Diploma in Computer Application or any subject related to Computer Science for appointment in Computer Forensic Science Division/Unit. The appointment is for the Computer Forensic Science Division and, hence, the basic degree should be in Computer Science. The respondents cannot employ a person from another field for the post in the Computer Forensic Science Division. A person who has done his Post-graduation in Physics or Chemistry cannot be appointed in the Computer Forensic Science Division.



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4. Learned counsel for the petitioner further submits that the Note does not say that the Diploma or Post-graduate Diploma in Computer Application or any subject related to Computer Science should be obtained by the candidate from an approved institution.

5. In service jurisprudence, the concept of public interest litigation does not exist, except a writ of quo warranto.

6. Be that as it may, the petitioner is assailing the qualification prescribed for appointment in the Computer Forensic Science Division. The person requires a Post-Graduate degree to be appointed in the Computer Forensic Science Division. The said Post-Graduate Degree should be either in Chemistry or Computer Science or Physics. The Note further states that the individual who possesses M.Sc. Degree in Computer Science must have acquired a basic degree in Physics or Chemistry as major subject; and the individual who possesses M.Sc. Degree in Physics or Chemistry or Forensic Science with a basic degree in Physics or Chemistry as major subject must have acquired a Diploma or Post-graduate



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Diploma in Computer Application or any subject related to Computer Science for appointment in Computer Forensic Science Division/Unit.

7. When the Note says that a person should have acquired Diploma or Post-graduate Diploma in Computer Application or any subject related to Computer Science, the said qualification must have been acquired from an institution approved by the government.

8. To provide a particular qualification is in the domain of the experts in the said field. The courts would not substitute its views over the views of the experts in the particular field. They are the best persons who would know the requirement and the basic qualification required for the particular post. These are the decisions to be taken by the experts in the particular field.

In the light of the above, the writ petition stands disposed of. There shall be no order as to costs. Consequently,



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W.M.P.Nos.23135 to 23137 of 2017 are closed.

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(S.V.G., CJ.)

(J.S.N.P., J.)

16.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1 The Secretary to Government
State of Tamil Nadu
(Police XVIII) Department
Secretariat, Chennai – 600 009.
- 2 The Director Forensic Science Department
Mylapore, Chennai – 600 004.



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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD,J.

(sasi)

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