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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29869 of 2024
and WMP No.32565 and 32567 of 2024

S.Deepika

..Petitioner

Vs.

1. Tamil Nadu Public Service Commission,
represented by its Deputy Secretary,
TNPSC Road, V.O.C.Nagar
Broadway, Chennai 600 003.

2. Tamil Nadu State council for Higher Education,
represented by its Secretary,
Lady Willington College Campus,
Kamarajar Salai,
Chennai 600 005

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection of the 1st respondent Memorandum No.271/PSD-A2/2022 dated 26.06.2024 and quash the same and consequently, direct the 1st respondent to consider my candidature to the post of Junior Co-operative Auditor in the process of a recruitment initiated vide Notification No.3 of 2022



dated 23.02.2022 of the 1st respondent or in the alternative direct the 1st respondent to take into consideration the equivalence G.O. Being G.O.(Ms) No.130, Higher Education (K1 Department) dated 24.07.2024 for my candidature in Register No.0103031140 for the post of Junior Co-operative Auditor in the process of recruitment initiated vide notification No.8 of 2024 dated 20.06.2024 of the 1st respondent.

For Petitioner : Mrs. V.S.Usharani
and Mr.A.Mohamed Ismail
For Respondents : Mr.P.J.Rishikesh
Standing counsel for R1
Mr.K.Surendran
Additional Government Pleader
for R2

ORDER

This writ petition has been filed challenging the impugned rejection order passed by the 1st respondent dated 26.06.2024 and to direct the 1st respondent to consider the candidature of the petitioner to the post of Junior Co-operative Auditor pursuant to the recruitment notification dated 23.02.2022 of the 1st respondent. The petitioner has also sought for a alternative direction to the 1st respondent to consider the equivalence G.O.Ms.No.130 dated 24.07.2024 and consider the candidature of the petitioner for the post of Junior Co-operative Auditor in the recruitment process initiated by the 1st respondent through



notification dated 20.06.2024.

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2. Heard Mrs.V.S.Usharani, learned counsel for the petitioner and Mr.P.J.Rishikesh, learned Standing counsel for 1st respondent and Mr.K.Surendran, learned Additional Government Pleader for 2nd respondent.

3. The 1st respondent issued a notification dated 23.02.2022 for Combined Civil Services Examination in Group II and Group II A services. The petitioner submitted an application to participate for selection to the post of Junior Co-operative Auditor in the Tamil Nadu Co-operative Audit Subordinate Service. The petitioner attended the written examination and secured 137.75 marks. Thereafter, the candidature of the petitioner was rejected by the 1st respondent through proceedings dated 26.06.2024 on the ground that the petitioner has not produced the equivalence Government Order. The petitioner is also taking advantage of the subsequent Government order passed in GO No.130 dated 24.07.2024 whereby B.Com (Accounting and Finance) offered by PSG College Arts and Science, Coimbatore affiliated to Bharathiar University was found equivalent to B.Com for the purpose of employment in public service.



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4. It is under these circumstances, the petitioner approached the 1st respondent and made a representation dated 02.08.2024 enclosing the Government Order. In the meantime, the 1st respondent issued another notification dated 20.06.2024 for selection for same posts and the petitioner had applied for the post of Junior Co-operative Auditor. In this selection also, the petitioner is relying upon subsequent Government Order passed in GO Ms.No.130 dated 24.07.2024.

5. The present writ petition has been filed by the petitioner challenging the rejection order passed by the 1st respondent dated 26.06.2024 and the petitioner is also seeking for an alternative remedy for the 2024 selection to consider the equivalence GO passed in GO Ms.No.130 dated 24.07.2024.

6. In the considered view of this Court, the petitioner cannot be considered for appointment to the post of Junior Co-operative Auditor under notification dated 23.02.2022. The petitioner is taking advantage of the order passed by this Court in WP No.16941 of 2024 dated 06.09.2024. The said order



will not enure in favour of the petitioner since the final order was passed in that writ petition based on an interim order passed by this Court wherein a specific direction was given to pass a equivalence Government Order and also one seat was reserved. Thereafter, the equivalence Government Order was passed and the same was not acted upon on the ground that it was submitted after the date of notification. This Court held that the positive directions issued by this Court by virtue of an interim order cannot be defeated by relying upon the notification and that the petitioner in that case has to be accommodated if he is otherwise qualified.

7. In the case in hand, the petitioner has admittedly relied upon the equivalence Government Order which came into force after the date of notification. This Court has consistently held that the uploading of the equivalence certificate must be done before the last date of submitting the application failing which the same cannot be considered. Useful reference can be made to the order passed by the Madurai Bench of this Court in WP No.4931 of 2023 etc dated 27.09.2024. The same reasoning will apply in the case of the petitioner also. Therefore, there is no question of interfering with the impugned



rejection order passed by the 1st respondent dated 26.06.2024 pertaining to the notification dated 23.02.2022.

8. Insofar as the 2024 notification is concerned, the petitioner has already submitted the application and the process is going on. Therefore, this Court does not want to express any opinion on the equivalence Government Order relied upon by the petitioner. As and when, a cause of action arise for the petitioner, the petitioner can work out her remedy in accordance with law. Apart from this, no other observation can be made by this Court in this writ petition.

9. In the result, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

14.10.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.
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