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W.P.No.32156 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 30.10.2024

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**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

W.P.No.32156 of 2024  
and W.M.P.No.34914 of 2024

C.Kalaiselvi

.. Petitioner

**Vs.**

1.State of Tamilnadu,  
Rep. by its Secretary to Government,  
Higher Education Department,  
Fort St. George, Chennai – 600 009.

2.The Secretary,  
Tamilnadu Public Service Commission,  
TNPSC Road, Chennai – 600 003.

3.The Controller of Examinations,  
Tamilnadu Public Service Commission,  
TNPSC Road, Chennai – 600 003.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the 3<sup>rd</sup> respondent in Memorandum No.1611/APD-B2/2022 dated 09.10.2024 and quash the same and consequently, direct the respondents to issue appropriate orders appointing the petitioner in the post of Assistant Statistical Investigator, within the time frame fixed by this Court.



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For Petitioner : Mr.S.Sathia Chandran  
For R1 : Mr.K.Surendran  
Additional Government Pleader  
For RR 2 & 3 : Mr.P.S.Raman  
Advocate General  
Assisted by  
Mr.P.J.Rishikesh  
Standing Counsel

### **ORDER**

When the matter was taken up for hearing on 29.10.2024, this Court passed the following order:

*“Mr.K.Surendran, learned Additional Government Pleader takes notice on behalf of the 1<sup>st</sup> respondent.*

*2.Mr.P.J.Rishikesh, learned Standing Counsel takes notice on behalf of respondents 2 and 3.*

*3.It is seen from records that the petitioner filed the earlier writ petition in W.P.No.2514 of 2024, wherein, this Court while disposing of the writ petition by an order dated 05.02.2024, gave the following directions:*

6.Considering the above facts and circumstances of the case, the first respondent is directed to verify the qualification obtained by the petitioner viz., B.Sc. Mathematics and Applied Mathematics is



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equivalent to B.Sc. Mathematics and accordingly, pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The first respondent is directed to keep one post of Assistant Statistical Investigator as vacant, till then. On receipt of the order, if the qualification of the petitioner is declared as equivalent, the second respondent is directed to consider the case of the petitioner and if she is within the zone of selection, appoint her in the post of Assistant Statistical Investigator.

*4.Pursuant to the above direction, the equivalence Government Order was issued in G.O.Ms.No.169, dated 24.09.2024, wherein, the case of the petitioner has been dealt with in Serial No.2 and the Under Graduate degree has been found to be equivalent for the purpose of employment in public services.*

*5.Pursuant to the above Government Order, when the petitioner was seeking for appointment based on the earlier orders passed by this Court in W.P.No.2514 of 2024, the 3<sup>rd</sup> respondent has issued the impugned proceedings dated 09.10.2024 stating that the equivalence Government Order cannot be acted upon, since it has come into effect beyond the date of the notification.*



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*6.This Court had an occasion to deal with the very similar issue in W.P.No.16941 of 2024. While disposing of this writ petition on 06.09.2024, this Court found that a similar stand was taken in that writ petition. Hence, this Court specifically directed the Tamil Nadu Public Service Commission not to issue proceedings which will violate the earlier directions given by this Court. In spite of the same, once again the 3<sup>rd</sup> respondent has issued the impugned proceedings which runs contrary to the earlier directions issued by this Court in W.P.No.2514 of 2024, dated 02.02.2024.*

*7.When the above was pointed to the learned Standing Counsel appearing on behalf of TNPSC, the learned Standing Counsel sought for some time.*

*8.This Court makes it clear that the impugned proceedings dated 09.10.2024 will have to be withdrawn and the earlier order passed by this Court in W.P.No.2514 of 2024, dated 02.02.2024 must be complied with. Failing which, the Chairman, Tamil Nadu Public Service Commission, shall be present before this Court on 30.10.2024.*

*9.Post this case at the end of the motion list on 30.10.2024.”*

2.When the matter as taken up for hearing today, the learned Advocate General appearing on behalf of the Tamil Nadu Public Service Commission (TNPSC) submitted that as per the interim orders passed by



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this Court on 29.10.2024, the impugned memorandum issued by the 3<sup>rd</sup> respondent dated 09.10.2024 has been withdrawn. The learned Advocate General further submitted that the petitioner will be selected provisionally for appointment to the post of Assistant Statistical Investigator in Tamil Nadu General Subordinate Service subject to the outcome of the writ appeal that has been filed against the order that has been passed by the learned Single Judge.

3.Recording the above submissions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

**30.10.2024**

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Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No

To

1.State of Tamilnadu,  
Rep. by its Secretary to Government,  
Higher Education Department,  
Fort St. George, Chennai – 600 009.



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**N.ANAND VENKATESH, J.**

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2.The Secretary,  
Tamilnadu Public Service Commission,  
TNPSC Road, Chennai – 600 003.

3.The Controller of Examinations,  
Tamilnadu Public Service Commission,  
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