



W.P.(MD).No.9695 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9695 of 2024

and

W.M.P(MD).Nos.8768, 8769 and 8770 of 2024

Maduraiveeran

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its
The Principal Secretary to the Government,
Home Department, Secretariat,
Chennai.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai.
- 3.The Controller of Examination,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai.
- 4.National Institute of Open Schooling (NIOS),
Rep. by its Regional Director,
Lady Wellington Campus,
Kamarajar Road, Triplicane,
Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order passed by the 3rd respondent vide his Online rejection order dated 08.04.2024 published his website and quash the same as illegal in so far as it relates to the petitioner's registration number 0501061093 is concern and consequently direct the respondents No.2 and 3 to publish the result to the petitioner in the written examination dated 25.02.2023 to the post of Combined Civil Services Examination - II (Non-Interview Posts) (Group - IIA Services) and allowing him to participate in the next selection process within time frame fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed
For R-1 : Mr.M.Lingadurai
Special Government Pleader
For R-2 and R-3 : Mr.V.Pannerselvam

ORDER

This Writ Petition has been filed to quash the impugned rejection order passed by the 3rd respondent dated 08.04.2024, insofar as it relates to the petitioner's registration number 0501061093 is concerned and consequently direct the respondents No.2 and 3 to publish the result to the petitioner in the written examination dated 25.02.2023 to the post of



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Combined Civil Services Examination - II (Non-Interview Posts)

WEB CO (Group - IIA Services) and allowing him to participate in the next selection process.

2. Heard Mr.D.S.Haroon Rasheed, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the 1st respondent and Mr.V.Pannerselvam, learned counsel for the 2nd and 3rd respondents.

3. Mr.D.S.Haroon Rasheed, learned counsel for the petitioner submitted that the petitioner had applied to the post of Combined Civil Service Examination – II (Non-Interview Posts) conducted by the Tamil Nadu Public Service Commission vide notification No.3 of 2022 dated 23.02.2022. He participated in the preliminary examination and main examination and after successful clearance, he was issued with a notice for certificate verification, wherein the petitioner was specifically instructed to upload the equivalent certificate for HSC claim. Even though the petitioner uploaded the equivalent certificate, his candidature has been rejected by the third respondent through his impugned rejection order dated 08.04.2024 on the ground that the Senior Secondary School



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of Examination of NIOS is not equivalent to HSC by citing

G.O.Ms.No.242 School Education (ERT) Department dated 21.12.2023.

4. Mr.D.S.Haroon Rasheed, learned counsel for the petitioner submitted that the Government Order in G.O.Ms.No.242 which declares the qualification obtained in Senior Secondary School of Examination through NIOS as not eligible for public employment, issued on 21.12.2023, can be taken into account only for future purposes and cannot be applied retrospectively, since the notification had been issued in the year 2022.

5. Attention was drawn to the instructions issued by the TNPSC in the notification dated 23.02.2022, wherein it is stated that any change in policy or Rules with regard to examination or other qualification cannot be applied retrospectively. So, the learned counsel for the petitioner submitted that such stand taken by the TNPSC in the said notification is applicable to the petitioner's case also. Hence, the rejection of the petitioner's application and the impugned order to that effect should be set aside.



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6. However, Mr.M.Lingadurai, learned Special Government Pleader for the 1st respondent submitted that the Government, through its letter dated 27.02.2018 to the Regional Director of National Institute of Open Schooling, has stated that the Government has taken a policy decision to abide by the formal system of education for the purpose of employment in public services and the certificate courses for classes 10th and 12th offered by NIOS based on Non-formal education cannot be recognized for appointment / promotion in public services in Tamil Nadu. Even though the petitioner claims that he has obtained equivalent certificate in the year 2013, that has been issued only by the fourth respondent and not by the Government of Tamil Nadu. When the policy of the Government has been conveyed in the year 2018 itself stating that only the formal system of education obtained in classes 10th and 12th are approved for public appointment, the petitioner cannot claim any exemption that his qualification obtained through NIOS should be ordered to be recognized.

7. However, the petitioner claims that the notification expects the candidate to have either +2 or diploma or its equivalent. The petitioner has stated that he has completed diploma course after having done his



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10th standard through regular stream. In such case, the petitioner ought to have produced the diploma certificate instead of producing +2 certificate which he had done through NIOS system.

8. With the above observations, this Writ Petition is **disposed of** by giving liberty to the petitioner to produce his diploma certificate to the third respondent for consideration. The third respondent shall take the said diploma certificate as the basic qualification in terms of the notification and admit the petitioner for certificate verification and pass consequential orders on merits. No costs. Consequently, connected miscellaneous petitions are closed.

23.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr



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To:

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R.N.MANJULA, J.

Nsr

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