



W.P.(MD).No.11887 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11887 of 2024

and

W.M.P(MD) No.10594 of 2024

B.Kombaiyan

... Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's candidature to the post of Junior Co-operative Auditor in Co-operative Audit Department for the Combined Civil Services Examination – II (Interview Posts/ Non-Interview Posts) (Group- II Services/ Group – IIA Services) in Advertisement No.605/ Notification No.03/2022, dated 23.02.2022 and to appoint him to the said post by considering his qualification of BBA (Bachelor of Business Administration) Degree as equivalent to BBM (Bachelor of Business Management) Degree.



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For Petitioner : Mr.T.Cibichakraborty

For Respondent : Mr.V.Panneer Selvam

ORDER

The present Writ Petition has been filed by an aspirant to the post of Junior Co-operative Auditor, pursuant to the recruitment Notification issued by the respondent dated 23.02.2022, under Notification No.3 of 2022.

2. A perusal of the recruitment Notification reveals that the recruiting agency has declared that a degree in BBM is a necessary qualification for being appointed as a Junior Co-operative Auditor. The petitioner has obtained a degree in BBA (Bachelor of Business Administration) from the Madurai Kamaraj University.

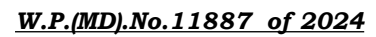
3. According to the learned counsel appearing for the petitioner, Bachelor of Business Administration Degree has been declared to be equivalent with Bachelor of Business Management, as per G.O.(Ms) No.323, Higher Education (K2) Department, dated 13.11.2017 itself. Therefore, according to the learned counsel appearing for the petitioner, when the



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recruitment Notification gives the abbreviation as BBM, it only means Bachelor of Business Management. Though the petitioner has cleared the written examination and when appeared for certificate verification, the respondent recruiting agency has rejected the petitioner, on the ground that the abbreviation referred to in the Notification only means Bachelor of Banking Management and not Bachelor of Business Management. Therefore, the present writ petition has been filed seeking a Mandamus as against the recruiting agency to consider the candidature of the writ petitioner to the post of Junior Co-operative Auditor and to appoint him to the said post.

4. The learned counsel appearing for the writ petitioner had contended that the Service Rules for Tamil Nadu Co-operative Subordinate Service were framed and published under G.O.(Ms) No.253, Finance (CA) Department, dated 31.03.1986. A perusal of the said Notification reveals that for the post of Junior Co-operative Auditor, a candidate must possess BBM Degree awarded by any one of the recognized Universities. However, there was no expansion for the said abbreviation. By way of G.O.(Ms) No.376, Finance Department, dated 09.07.2004, the B.Com., Degree was declared to be equivalent to with BBM Degree. Only by way of G.O.(Ms) No.186, Finance



5. Per contra, the learned counsel appearing for the respondent had contended that they are only a recruiting agency and they are not fixing the minimum educational qualification for the candidates. The educational qualification is fixed by the concerned Department for which the recruitment is conducted. As far as the present case is concerned, the Finance (Comptroller and Auditor General's Department) had framed the Service Rules under the proviso to Article 309 of Constitution of India. Under the said Rules amendment were introduced even in the year 2018 by way of G.O.(Ms) No.186, Finance (Comptroller and Auditor General's Department), dated 07.06.2018 clearly indicating the fact that the abbreviation of BBM means Bachelor of Banking Management alone and



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not the Bachelor of Business Management. Therefore, the petitioner cannot have any grievance for rejecting his application on the ground that the petitioner is not possessing degree in Bachelor of Banking Management, especially in the light of the fact that the same is reflected in the relevant Service Rules.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. A perusal of Service Rules touching upon the appointment to the post of Junior Co-operative Auditor reveals that the expansion for the abbreviation of BBM means Bachelor of Banking Management. The said expansion is reflected in G.O.(Ms) No.376, Finance Department, dated 09.07.2004 and G.O.(Ms)No.186, Finance (Co-operative Audit) Department, dated 07.06.2018. The Notification has been issued for the recruitment only in the year 2022. Therefore, it is clear that at least four years prior to the recruitment Notification, it has been clarified in the Service Rules that the expansion for the abbreviation of BBM means only Bachelor of Banking Management and not Bachelor of Business Management. Therefore, the request of the



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petitioner to issue a Mandamus to the recruiting Agency to consider the candidature based upon his degree in Bachelor of Business Management is not sustainable in law and there are no merits in the writ petition.

8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

28.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

The Secretary,
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TNPSC Road,
Park Town,
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R.VIJAYAKUMAR,J.

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