



W.P.(MD)No.14850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14850 of 2024 &
W.M.P.(MD)No.13013 of 2024

M.Senthilkumar

... Petitioner

vs.

1.State of Tamil Nadu,
Represented by its Deputy Secretary to Government,
Human Resource and Management Department,
Secretariat, Chennai - 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai - 600 003.

3.The Deputy Secretary
Tamil Nadu Public Service Commission
TNPSC Road, Broadway,
Chennai - 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner for appointment to Group-II A Posts under Ex-Serviceman Category in pursuant to the Memo issued by the 3rd



W.P.(MD)No.14850 of 2024

respondent vide Kurippanai No. 271/PSD-A2/2022 dated 07.05.2024 taking into consideration of the petitioner's ITI qualification as per G.O.Ms.No.242 Higher Education Department, dated 18.12.2012 and also taking into consideration of the petitioner's Indian Army Special Certificate of Education or the corresponding certificate and allow him to participate in the further process and issue appointment order as per the order of selection of the petitioner within a stipulated time.

For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1

Mr.V.Panneerselvam for R2 and R3

ORDER

Heard Mr.S.Mohamed Suhail, learned counsel appearing for the petitioner, Mr.S.Shamugavel, learned Additional Government Pleader appearing for the first respondent and Mr.V.Panneerselvam, learned counsel appearing for the respondents 2 and 3.



W.P.(MD)No.14850 of 2024

WEB COPY

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus directing the respondents to consider him for appointment to Group-II A Post under Ex-Serviceman Category in pursuant to the Memo issued by the third respondent vide Kurippanai No. 271/PSD-A2/2022 dated 07.05.2024 taking into consideration of his ITI qualification as per G.O.Ms.No.242 Higher Education Department, dated 18.12.2012 and also taking into consideration of his Indian Army Special Certificate of Education or the corresponding Certificate and issue appointment order as per the order of selection within a stipulated time.

3. The petitioner who is an ex-military person has applied for Group II-A Posts called for by the second respondent vide Notification No.03/2022, dated 23.02.2022. After having participated in the competitive examination, he has come up to the level of zone of consideration. The petitioner has been given with a call letter to make his appearance for Certificate Verification on 19.06.2024. During the Certificate Verification, the petitioner was orally informed that the ITI qualification possessed by him cannot be considered as +2 qualification



W.P.(MD)No.14850 of 2024

and he was also asked to get an order from the Court.

WEB COPY

4. Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the first respondent submitted that he is not aware of any oral orders so alleged by the petitioner.

5. In the absence of any written orders, the petitioner cannot be expected to submit the same. If the petitioner's Certificate has been considered, he would not have an occasion to file this writ petition. So, from the act of the petitioner, it can only be presumed that he was advised to get an order from the Court in view of the fact that his ITI qualification was not considered by the second respondent.

6. The fact that the petitioner possesses ITI qualification is not in dispute. On perusal of the Government Order in G.O.Ms.No.242, Higher Education (B1) Department, dated 18.12.2012, it is seen that the two year ITI course along with 10th standard and degree through distance education can be considered as 10+2+3.



W.P.(MD)No.14850 of 2024

WEB COPY

7. Mr.M.Mohamed Zamil, learned counsel appearing for the petitioner submitted that the petitioner had done his SSLC through regular course and completed the same. Only thereafter, he had done the two year ITI course. In all probabilities, as per the Government Order in G.O.Ms.No.242, Higher Education (B1) Department, dated 18.12.2012, the petitioner's two year ITI course and the relevant Certificate can be considered equivalent to +2.

8. At this juncture, the learned Additional Government Pleader appearing for the first respondent submitted that unless the petitioner submits the Equivalence Certificate along with the application, the respondents could not have an occasion to consider the same.

9. However, the learned counsel appearing for the petitioner submitted that the application form did not have any window for submitting ITI qualification Certificate as an option under the educational qualification column.



W.P.(MD)No.14850 of 2024

WEB COPY

10. In such case, it will be difficult for the applicants to enter appropriate qualification and submit relevant Certificates at the time when they apply for the post. It will be appreciated if the first respondent takes into consideration of the various equivalence given under various Government Orders and provide necessary columns / windows in the application itself in order to avoid future inconvenience for both the candidates and the recruitment agencies.

11. With the above stated reasons and observations, the writ petition is allowed to the extent that the respondents are directed to treat the ITI qualification possessed by the petitioner as equivalent to the +2 qualification and allow him to participate in the further process of appointment to the Group II-A posts and issue an order of selection, if he is otherwise found eligible. No costs. Consequently, connected Miscellaneous Petition is closed.

08.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



W.P.(MD)No.14850 of 2024

To
WEB COPY

1.The Deputy Secretary to Government,
Human Resource and Management Department,
Secretariat, Chennai - 600 009.



WEB COPY



W.P.(MD)No.14850 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.14850 of 2024

08.07.2024