



W.A(MD)No.2080 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.2080 of 2024
and
C.M.P.(MD)No.14776 of 2024**

1.The Principal Secretary to
the Government,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-09.

2.The Principal Secretary to
the Government,
Education Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-09.

3.The Director,
Directorate of Technical Education,
Chennai-600 025.

... Appellants / Respondents

-vs-

The Tamil Nadu Commerce
Institutes' Association,
Rep. by its Liaison Officer,
16/20A, Nandhi Kovil Street,
Trichy-620 002.

... Respondent/ Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the
order dated 06.03.2024 in W.P.(MD)No.4406 of 2024.



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For Appellants : Mr.S.P.Maharajan,
Special Government Pleader

For Respondent : Mr.Raguvaran Gopalan

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The clause that has been challenged before the learned single Judge dispenses with the requirement of production of any certificate regarding training for private candidates who applies for certificate course in Computer on Office Automation.

2. The qualification for admission is that a candidate has to undergo minimum of 120 hours of training at a recognized typewriting institute or Government / Government Aided / Self Financing Polytechnics. The rule enables private candidates also to be admitted in the examination as in the case of type writing examinations. The rule required private candidate to produce a certificate from a institute to the effect that he/she has undergone 120 hours of training. The Commissioner of Technical Education had felt that these two rules are contradictory to each other. Therefore, the Government decided to dispense with the requirement of obtaining a certificate from an institute for private candidates and limited the requirement only to a declaration stating that they have undergone 120 hours of training by self.



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3. Similar attempt to dilute the required educational qualification was challenged before this Court in W.P.(MD)No.8456 of 2021 and the learned Single Judge of this Court held that a declaration should be accompanied by a necessary certificate issued by an institute. That has been dispensed with by the Government in the G.O. that was impugned in the writ petition. The Writ Court has found that it amounts to direct overruling of a judgment of this Court by the executive. Apart from that, we find that an attempt is being made by the Government to dilute the required qualification so as to enable all and sundry to apply by enclosing a self declaration.

4. Mr.S.P.Maharajan, learned Special Government Pleader would submit that if the candidates are compelled to obtain certificates from recognized institutes, the institutes will make money. This is like kettle calling the pot black. We do see that there is a possibility. But just because somebody would demand money for issuing a certificate as is done in every Government office, we cannot dispense with the necessity of a certificate. The Writ Court has specifically found that the impugned Government Order runs counter to the decision of this Court in W.P.(MD)No.8456 of 2021. We are also in agreement with the view of the Writ Court on this issue. If we are to uphold the G.O. it will pave way for dilution of the



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requirements and Computer & Office Automation has become a necessity today. Diluting the requirement for such necessity will only lead to the Government services becoming poorer than what it is now.

5. Hence, the writ appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

29.10.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Sml

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