



W.P.(MD) No.35 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.35 of 2021
and
W.M.P.(MD) Nos.23 and 25 of 2021

P.Merin

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Tourism, Culture and
Religious Endowments,
Fort St. George, Chennai-600 009.

2.The Commissioner,
Tamil Nadu Tourism Development
Corporation Limited,
Tamil Nadu Tourism Complex,
No.5, Wallajah Road,
Chennai-600 002.

3.Tamil Nadu Public Service Commission,
Rep., by its Chairman,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai-600 003.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 3rd respondent Tamil Nadu Public Service Commission to permit the petitioner to take part in the Selection Process for the post of Assistant Tourist Officer Grade-II under Notification No.22/2019 dated 22.07.2019 including the Certificate Verification scheduled on 29.09.2019 or in any other future date, on the basis of the result published on 18.12.2019.

For Petitioner	:	Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For RR1 & 2	:	Mr.N.Ga.Natraj Government Advocate
For R3	:	Mr.V.Panneerselvam Standing Counsel

ORDER

The petitioner herein participated in the selection process in response to the notification issued by the respondent-Tamil Nadu Public Service Commission (TNPSC) *vide* Notification No.22/2019, dated 22.07.2019 for the post of Assistant Tourist Officer, Grade-II included in Tamil Nadu General Subordinate Service. The petitioner emerged as successful candidate in the written examination, placed at Serial No.7 in the merit list and all the candidates, who have qualified in the written



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examination, were required to participate in the certificate verification by duly uploading their certificates online and thereafter, for physical verification. In response to the same, the petitioner has uploaded all the certificates online. According to the petitioner, he is fully qualified.

2. The qualification requirement contained in the notification requires that the candidate must possess degree in Travel and Tourism or any decree with Diploma in Tourism. Insofar as this qualification is concerned, there is no dispute. Insofar as the other qualification, that is, one must have undergone certificate course in Computer on Office Automation offered by the Department of Technical Education, Government of Tamil Nadu is concerned, the petitioner does not possess the said qualification. However, in view of the alternate option given in the notification to possess any equivalent courses offered by any institution recognized by Department of Electronics and Information Technology of Government of India, All India Diploma programs or any higher level program in which Office Automation is a subject is concerned, it is the claim of the petitioner that the certificate in Computer on Office Automation issued by the BITS Information Technology



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is the equivalent course and the same was recognized by the Government of India and therefore, he is eligible.

3. It is also the contention of the learned counsel for the petitioner that the certificate possessed by the petitioner is a higher level program with Office Automation as one of the subjects. No doubt, the certificate, that has been relied upon by the learned counsel for the petitioner, shows that the same was issued by the Institute recognized by the Government of India. But the notification, especially the requirement of educational qualification mentioned in the notification specifically requires that the applicants who are claiming equivalence of qualification to the prescribed qualification should submit evidence for equivalence of qualification in the form of Government Order issued prior to the date of the notification. The relevant clause from the notification reads as under:

“6.(B)(ii) Applicants claiming equivalence of qualification to the prescribed qualification should submit evidence for equivalence of qualification in the form of G.O. issued prior to the date of this notification, failing which their application will be summarily rejected. The



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G.Os issued declaring equivalence of prescribed qualification after the date of this notification will not be accepted. (Section 25(b) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016).”

4. From the above, it is clear that the burden is on the petitioner to show that the certificate possessed by him is equivalent to the certificate course in Computer on Office Automation offered by the Department of Technical Education, Government of Tamil Nadu. Though the petitioner has uploaded the certificate issued by BITS Information Technology, which is stated to be an Institution recognized by Government of India, no Government Order to show the same as an equivalent qualification to that of the certificate issued by the Department of Technical Education, Government of Tamil Nadu is produced. It is on that ground, the respondent-TNPSC has not called the petitioner for physical verification of the certificates.

5. Even before this Court also, the petitioner has not placed any Government Order to show that the certificate possessed by the petitioner is equivalent to the certificate issued by the Department of Technical Education,



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Government of Tamil Nadu. In the absence of the relevant Government Order to show that the certificate possessed by the petitioner is equivalent to that of the requirement notified in the notification, this Court is unable to find fault with the procedure adopted by the respondent-TNPSC in not calling the petitioner for physical certificate certificate.

6. No doubt, the petitioner qualified in the written examination and claiming to have stood at Serial No.7 of the merit list. That itself is not sufficient and certificate verification and satisfying the qualification criteria is also equally important in which the petitioner failed. In the circumstances, this Court does not find merit in the writ petition.

7. This Writ Petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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- 2.The Commissioner,
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MUMMINENI SUDHEER KUMAR, J.

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