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W.A.No.1477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM :  
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR  
AND  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.No.1477 of 2023

The Member Secretary  
Tamil Nadu Public Service Commission  
TNPSC Road, VOC Nagar  
Park Town, Chennai – 600 003.

.. Appellant

Vs.

1. K.Vinoth

2. The University of Pondicherry  
Rep. By its Registrar  
Kalapet, Puducherry – 630 061.

3. The Government of Tamil Nadu  
Rep. By its Principal Secretary to Government  
Higher Education Department  
Fort St. George, Chennai – 600 009.

4. The Government of Tamil Nadu  
Rep. By its Principal Secretary to Government  
Finance Department, Fort St. George  
Chennai – 600 009.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.29675 of 2018 dated 16.02.2023.

For the Appellant : Ms.G.Hema  
Standing Counsel

For the Respondents : Mr.K.S.Viswanathan  
Senior Counsel  
for Ms.T.Hemalatha  
for R1



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Mr.R.Kumaravel  
Additional Government Pleader  
for R3 & R4

JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the Writ Court dated 16.02.2023 made in W.P.No.29675 of 2018.

2.1. That the first respondent *K.Vinoth* was one of the candidates who made an application pursuant to the notification issued by the appellant Tamil Nadu Public Service Commission (hereinafter be called as "TNPSC") dated 12.10.2015, inviting applications to fill various posts, including the post of Junior Co-operative Auditor. As per the notification, the necessary qualification to hold the post of Junior Cooperative Auditor is a Degree of B.B.M. or Degree of B.Com. or Degree of B.Com. (Computer Application) or B.A. (Co-operation) Degree or B.A. (Economics) or B.A. (Corporate Secretaryship) or B.B.E. Degree, awarded by any University.

2.2. Insofar as the first respondent/writ petitioner is concerned, he was having the qualification of Bachelor of Foreign Trade, awarded by the Pondicherry University, being a Central



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University, which has been subsequently renamed as "Bachelor of Commerce in Foreign Trade". With that qualification, the first respondent/writ petitioner applied to the said post of Junior Co-operative Auditor.

2.3. As per the notification, the method of selection process would be that there would be a preliminary examination, followed by the main examination. On being selected after the main examination, the candidate would be called for certificate verification and thereafter, the selection would be completed based on such certificate verification.

2.4. Insofar as the first respondent/writ petitioner is concerned, he has crossed the two hurdles, that is the preliminary examination as well as the main examination and when he was called for certificate verification, it was found by the TNPSC that he was holding the Degree of Bachelor of Commerce in Foreign Trade awarded by the Pondicherry University, which is not one of the Degrees mentioned in the notification. Therefore, the Degree awarded to the first respondent/writ petitioner whether was equivalent to any of the Degrees mentioned in the notification has to be evaluated and an equivalence certificate to that effect,



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secured from the Government, has to be produced before the TNPSC.

2.5. On that condition, though the writ petitioner/first respondent was selected by the TNPSC, his result was withheld by giving time of ten days to produce the equivalence certificate, that is up to 11.03.2017. The said time since has been requested to be extended further, was extended lastly by communication dated 11.10.2017 by the TNPSC up to 19.10.2017.

2.6. Even on or before 19.10.2017, that is the extended time by the TNPSC, since the writ petitioner/first respondent was not able to provide the equivalence certificate, for which, even though he had applied and was awaiting for such equivalence certificate, further extension was sought by the writ petitioner/first respondent, which having been considered, was rejected, saying that it is not feasible to give further extension of time to produce the equivalence certificate. Subsequently, on 25.01.2018, the candidature of the writ petitioner/first respondent was rejected on the ground that he did not produce the equivalence certificate with regard to his qualification.



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2.7. On 15.03.2018, the Government, that is the Higher Education Department, issued a Government Order in G.O.(Ms).No.55, Higher Education (K2) Department, dated 15.03.2018, wherein, among the other Agendas, in Agenda No.1, the Degree of B.Com. Foreign Trade awarded by the Pondicherry University has been considered to be equivalent to the B.Com. Degree for the purpose of employment in public services and therefore, by virtue of G.O.(Ms).No.55, dated 15.03.2018, the qualification of the writ petitioner/first respondent, since has become equivalent to the essential qualification as per the notification issued by the TNPSC to hold the post of Junior Cooperative Auditor, the writ petitioner/first respondent on 17.05.2018 sent a request letter along with a copy of G.O.(Ms).No.55 to the TNPSC to consider his candidature and make the selection process complete and select him for the said post.

2.8. However, the said request made by the writ petitioner/first respondent dated 17.05.2018 was rejected by the TNPSC on 24.05.2018. The said rejection order was under challenge before the Writ Court.



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3. The learned Writ Court, having considered these factual matrix, has given its own reasons and ultimately allowed the writ petition through the impugned order. Aggrieved over the said order, this appeal has been directed at the instance of the TNPSC.

4.1. Supporting the appeal, *Ms.G.Hema*, learned Standing Counsel appearing for the TNPSC, would submit that as per paragraphs 3(B)(a) Note (2) and 12 (f) of the notification dated 12.10.2015 and paragraph 10 of the Instructions to the Candidates, the candidature of the writ petitioner/first respondent cannot be accepted for consideration and selection because, he did not produce the equivalence certificate before the time granted to him. She would also submit that, in fact, the rejection order was passed on 25.01.2018, which was not in fact challenged by the writ petitioner/first respondent. Subsequently, he had made a request once again on 17.05.2018, of course, with a copy of G.O.(Ms).No.55 dated 15.03.2018, and that was once again rejected on 24.05.2018. That order alone was under challenge before the Writ Court.

4.2. Therefore, the learned Standing Counsel would submit that either at the time of making the application or at the time of certificate verification and even before the last date which was



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extended up to 19.10.2017, admittedly, since the writ petitioner/first respondent has not produced the equivalence certificate, the candidature ought to have been rejected. Therefore, having no other option, the TNPSC has rejected the application of the writ petitioner/first respondent or the candidature of the writ petitioner/first respondent on 25.01.2018. Therefore, that issue has been concluded by the rejection order. Hence, it cannot be revived by making further representation on 17.05.2018, of course, with a copy of G.O.(Ms).No.55, as that would not give rise to the writ petitioner/first respondent to restore his candidature, which has been already rejected and has become final, as there has been no challenge against the order of the TNPSC dated 25.01.2018.

4.3. When that being so, the Writ Court, without considering these aspects in proper perspective, since has allowed the writ petition through the impugned order, the same is liable to be interfered with. Hence, the learned Standing Counsel seeks indulgence of this Court.

5.1. We have also heard *Mr.K.S.Vishwanathan*, learned Senior Counsel, assisted by *Ms.T.Hemalatha*, learned counsel for the writ petitioner/first respondent, who would submit that even at the time



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of making the application, since the qualification acquired by the writ petitioner/first respondent was not considered to be an equivalent one of the qualifications prescribed by the TNPSC as notified in the notification, immediately, an application has been made to both the University, that is the Pondicherry University from whom the writ petitioner/first respondent got the Degree and also to the Equivalence Committee and awaiting the orders to be passed by the Equivalence Committee, based on which a Government Order has to be passed and such Government Order, since has come only on 15.03.2018, after receipt of a copy of the Government Order, immediately, on 17.05.2018, a representation has been once again made along with a copy of G.O.(Ms).No.55 and only after making this representation, the selection process further went on and before the selection process concluded in August, 2018, since the rejection order has been made mechanically by the TNPSC on 24.05.2018, the order of rejection was under challenge before the Writ Court, as without any plausible reason, even before the selection process was over, since the candidature of the writ petitioner/first respondent was rejected, that made the writ petitioner/first respondent to challenge the said order before the Writ Court.



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5.2. Hence, the Writ Court, having considered all these factual matrix, has come to the conclusion that the writ petition has to be allowed, accordingly, the writ petition was allowed by the Writ Court, of course, correctly. Therefore, the same does not warrant any interference.

6. We have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

7. By virtue of the declaration now being made under G.O.(Ms).No.55 dated 15.03.2018, in Agenda No.1, the qualification, namely B.Com. Degree in Foreign Trade of the writ petitioner/first respondent awarded by the Pondicherry University is equal to B.Com Degree, of course, for the purpose of employment in public services. Therefore, to that extent, there has been no quarrel.

8. It is a well settled principle of law in service jurisprudence that these kind of equivalence certificate issued by the Competent Authority is only endorsing the qualification that has been acquired by the candidate at the time of acquiring such qualification. Here, in



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the case in hand, the Degree was awarded well prior to the notification issued by the TNPSC and because of G.O.(Ms).No.55, the qualification acquired by the writ petitioner/first respondent since has been declared to be equivalent, the qualification acquired by the writ petitioner/first respondent, at the time of making the application or even at the time of issuance of the notification dated 12.10.2015, is an equivalent qualification.

9. That apart, on factual matrix also, it is an admitted case that up to 19.10.2017, the time was extended for production of the equivalence certificate. Thereafter, the application has been kept pending and was not rejected till 25.01.2018. Only on 25.01.2018, the candidature of the writ petitioner/first respondent was rejected. However, if we look at the first two paragraphs of G.O.(Ms).No.55, it has been mentioned that at the 57<sup>th</sup> Equivalence Committee meeting held on 26.12.2017, these resolutions have been passed including Agenda I. This has been forwarded by the Equivalence Committee to the TNPSC and thereafter, the Secretary of the TNPSC, in his letter dated 02.01.2018, has forwarded the recommendations of the 57<sup>th</sup> Equivalence Committee to the Government, requesting the Government to issue necessary Government Orders. Having accepted the recommendations of the



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57<sup>th</sup> Equivalence Committee, which conducted the meeting on 26.12.2017 and by reference of the matter from the TNPSC on 02.01.2018, the Government has accepted the same and issued G.O.(Ms).No.55 dated 15.03.2018.

10. Therefore, the declaration was made in the 57<sup>th</sup> Equivalence Committee meeting held on 26.12.2017, thereafter, the TNPSC, having knowledge over the decision, has only forwarded the same on 02.01.2018, requesting the Government to issue a Government Order. Therefore, at that time, on 02.01.2018, when the TNPSC forwarded the same to the Government for requiring a Government Order, the candidature of the writ petitioner/first respondent was still holding and it was not considered for rejection. However, only on 25.01.2018, the first rejection has been made, knowing well that the Equivalence Committee has already accepted the qualification of the writ petitioner/first respondent in its meeting held on 26.12.2017.

11. Therefore, after the knowledge of the Equivalence Committee's decision, the rejection made by the TNPSC even for the first time on 25.01.2018 could be considered easily as a malafide action on the part of the TNPSC. Be that as it may,



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immediately on receipt of G.O.(Ms).No.55 dated 15.03.2018, the writ petitioner/first respondent has made a request on 17.05.2018, which was rejected on 24.05.2018 once again, being the impugned order before the Writ Court, however, the fact remains that the selection process was completed only on August, 2018, therefore, the writ petitioner/first respondent, being the selected candidate, admittedly could have been very well accommodated well before August, 2018, as no prejudice would have been caused to the TNPSC, had he been selected and finalised in the selection process as he has already been selected.

12. Therefore, looking from any angle, the action on the part of the TNPSC in rejecting the candidature of the writ petitioner/first respondent is unlawful, erroneous and also to some extent, is malafide for the reasons which we have discussed hereinabove. Therefore, apart from the reasons mentioned by the learned Judge in the impugned order, for the reasons that we have discussed herein above also, the impugned order before the Writ Court, rejecting the candidature of the writ petitioner/first respondent, was liable to be set aside, accordingly, it has been rightly set aside and the learned Judge has allowed the writ petition.



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13. Therefore, we do not find any plausible reason to interfere with the order passed by the Writ Court, which is impugned herein. Resultantly, this appeal fails, hence, it is liable to be dismissed and accordingly, it is dismissed.

14. The appellant TNPSC is directed to give the selection order immediately to the writ petitioner/first respondent to the post of Junior Co-operative Auditor within a period of four weeks from the date of receipt of a copy of this order. On receipt of such selection order, the concerned Department shall give appointment order to the writ petitioner/first respondent thereafter within a period of two weeks.

15. With these directions, the writ appeal is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.14344 of 2023 is closed.

(R.S.K., J.) (A.D.M.C., J)  
03.04.2025

Neutral Citation:Yes/No

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To:

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1. The Member Secretary  
Tamil Nadu Public Service Commission  
TNPSC Road, VOC Nagar  
Park Town, Chennai – 600 003.
2. The Registrar  
The University of Pondicherry  
Kalapet, Puducherry – 630 061.
3. The Principal Secretary to Government  
The Government of Tamil Nadu  
Higher Education Department  
Fort St. George, Chennai – 600 009.
4. The Principal Secretary to Government  
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R. SURESH KUMAR, J.  
AND  
A.D.MARIA CLETE, J.

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