



WP No. 22883 of 2018 &
26997/2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

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THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 22883 of 2018

AND

**WMP NO. 26756 OF 2018, WMP NO. 31384 OF 2018, WP NO. 26997 OF
2018**

1. M.Agila

D/o. P.Murthy, Plot No. 268 and 269,
Zion Star, T.V.S. Nagar Extension, 4th
Cross Street, Korattur, Chennai.

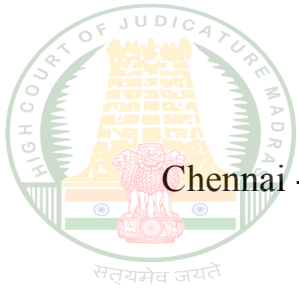
Petitioner(s)

Vs.

1. The Chairman,
Tamil Nadu Public Service
Commission, Frazer Bridge Road,
Chennai - 3

2. The Secretary to Government
Tourism Department, Government of
Tamil Nadu, Fort ST. George, Chennai -
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3. The Managing Director,
Tamil Nadu Tourism Development
Corporation Ltd., Wallajah Road,



Chennai - 2

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Respondent(s)

WP No. 26997 of 2018

1. M.Agila

D/o. P.Murthy, Plot No. 268 and 269,
Zion Star, T.V.S. Nagar Extension, 4th
Cross Street, Korattur, Chennai

Petitioner(s)

Vs

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2.The Secretary to Government
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9

3.The Managing Director,
Tamil Nadu Tourism Development
Corporation Ltd., Wallajah Road,
Chennai – 2

4. The Deputy Secretary
Tamil Nadu Public Service
Commission,
Frazer Bridge Road,
Chennai – 600 003.



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Respondent(s)

WP No. 22883 of 2018

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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to declare the explanation clause in paragraph 5 vide Notification No. 11/ 2017 dated 09.05.2017 of the 1st respondent prescribing education qualification with regard to language proficiency as ultravires and inconsistent with the rules and regulations and not applicable to the petitioner.

WP No. 26997 of 2018

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to call for the records pertaining to the impugned proceedings dated 20.09.2018 vide Memorandum No.2772/APD-A2/2017 by the 4th Respondent and quash the same and direct the Respondents to reconsider the candidature of the Petitioner to the post of Tourism Officer under recruitment and not applicable to the Petitioner.

W.P.No.22883/2018

For Petitioner(s): M/s.Prathik Y.Jain
for M/s.V.Manohar

For Respondent(s): M/s.I.Abrar Mohammed
Abdullah R1
M/s.T.Chezhan, Agp
For R2 And R3

W.P.No.26997/2018



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WP No. 22883 of 2018 &
26997/2018



For Petitioner(s): M/s.Prathik Y.Jain
for M/s.V.Manohar

For Respondent(s): M/s.I.Abrar Mohammed
Abdullah R1
M/s.T.Chezhian, Agp
For R2 to R4

COMMON ORDER

W.P.No.22883/2018 has been filed to declare the explanation clause in paragraph 5 vide Notification No. 11/ 2017 dated 09.05.2017 of the 1st respondent as *ultra vires* and inconsistent with the rules and regulations and not applicable to the petitioner.

W.P.No.26997/2018 has been filed challenging the impugned proceedings of the 4th Respondent dated 20.09.2018 vide Memorandum No.2772/APD-A2/2017 and direct the Respondents to reconsider the candidature of the Petitioner to the post of Tourism Officer under recruitment.

2. In response to the notification issued by the first respondent calling for the application to the post of Tourism Officer, the petitioner had participated in the written examination. However, she was found to be qualified in the written examination and thereafter, she was called for certificate verification. At that point her candidature was rejected for the following reasons:



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(i) *She has not studied “Tamil Language” as one of the subject in degree course.*

(ii) *She had not possessed 'Computer on Office Automation' course awarded by DOTE or it's Equivalent.”*

3. The learned counsel for the petitioner submitted that the petitioner had studied in Tamil Language until her higher secondary examinations and she is proficient in both Tamil and English languages. He further submitted that the explanation given in the notification for proficiency for the languages is *ultra vires*. In the explanation given to the educational qualification in the notification, it is stated that the applicants should have passed English and Tamil language in degree course. According to the petitioner the above condition is unconstitutional. The petitioner submits that the mother tongue for the petitioner is Tamil and she is well versed in Tamil. In such case the explanation given causes an embargo for candidates similar to the petitioner to enter into the tourism service.

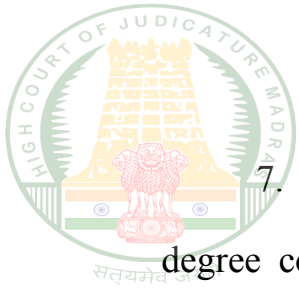
4. The application for the petitioner has not been rejected only for want of proficiency in Tamil Language as found in the explanation but also for not possessing the certificate course in 'Computer in Office Automation'. Even though the persons similar to the petitioner may be well versed in Tamil that cannot serve as a criteria for prescribing an educational qualification by a



recruitment agency like that of the first respondent. Whatever qualification one has in any informal mode cannot be recognized by any University or educational institution unless someone participates in the qualifying examination and get a pass certificate to that effect.

5. So far as the post for which the application is called for it is prerogative of the first respondent to prescribe the necessary qualification. According to the first respondent the proficiency in the Tamil is accepted only if a candidate possesses a certificate to show that he / she had studied Tamil language in his / her degree course. There should be uniformity in prescribing the qualification and hence the first respondent cannot be blamed for not taking into consideration a person who is well versed in Tamil or English, but who have not studied it as a language in their degree course.

6. When the appropriate authority prescribes the qualification for appointing a person to a particular post, the applicants are expected to fulfil that qualification. If they do not possess the necessary qualification, it is not wrong on the part of the first respondent to reject their application summarily. Since the first respondent is required to maintain uniformity in prescribing educational qualifications, I do not find any unconstitutionality in explaining proficiency as having studied the language as part of a degree course.



7. Since the petitioner had not studied Tamil as a language not only in her degree course but she also does not possess any certificate in Computer in Office Automation, I do not find any merits in these writ petitions and the same are liable to be dismissed.

8. Accordingly, these writ petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

14-02-2025

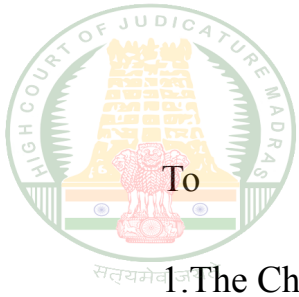
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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WP No. 22883 of 2018 &
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To

1. The Chairman,

Tamil Nadu Public Service

Commission, Frazer Bridge Road,

Chennai - 3

2. The Secretary to Government

Tourism Department, Government of

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R.N.MANJULA, J.,

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**WP No. 22883 of 2018
AND WMP NO. 26756
OF 2018, WMP NO.
31384 OF 2018, WP NO.
26997 OF 2018**

14-02-2025