



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 20092 of 2025

AND

WMP Nos.22657 & 22659 of 2025

M.Baraniraj

Petitioner(s)

Vs

1.The Chairman

Tamil Nadu Public Service
Commission, TNPSC Road,
Chennai-600 003.

2.The Secretary

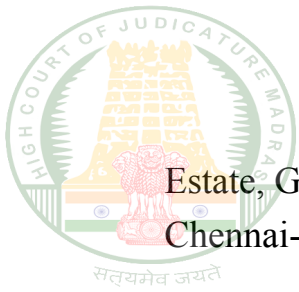
Tamil Nadu Public Service
Commission, TNPSC Road,
Chennai-600 003

3.The Controller of Examinations

Tamil Nadu Public Service
Commission, TNPSC Road,
Chennai-600 003

4.The Principal Secretary

TANSIDCO, Thiru.Vi.Ka. Industrial



Estate, Guindy,
Chennai-600 032.

WEB COPY

5.The Principal Secretary to
Government, Higher Education
Department, Government of Tamil
Nadu, Secretariat,
Chennai – 600 009.

6.The Member Secretary,
Tamil Nadu State Council for Higher
Education, Lady Willingdon College
Campus, Kamarajar Salai,
Chennai – 600 005.

[R5 & R6 suo-motu impleaded as
respondent by order dated 25.06.2025
inWP No.20092/2025]

Respondent(s)

PRAYER

to issue a writ, or any other order or orders more particularly in the nature of writ thereby quash the mail order dated 01.06.2025 sent on behalf of respondents 1 to 3 by issuing a writ of Certiorarified Mandamus, after calling for the records relating to the application of the petitioner in registration number 1901002259 for the post of Assistant Manager in the 4th respondent's office (Post Code 3349) and to permit to submit the original certificates for physical certificate verification counselling, consequently to consider the name of the petitioner for the post applied.

For Petitioner(s): Mr.G.Baskar

For Respondent(s): Ms.G.Hema, Standing Counsel



WEB COPY

WP No. 20092 of 2025



For R1 to R3
Mr.C.Jayaprakash
Govt.Advocate For R5 & R6

ORDER

The instant writ petition has been filed on the ground that, despite being allowed to participate in the Combined Technical Service Examination and securing 267.00 marks, with third rank overall, the petitioner was not permitted to participate in the physical certificate verification counselling, without assigning any reason.

2. The learned counsel for the petitioner would submit that though the respondents dispute the petitioner's qualification namely a Master of Business Administration (MBA) in Marketing and Human Resources Management as not being equivalent to an MBA in Marketing, it is pertinent to note that the respondents had initially permitted the petitioner to apply for the post via an email dated 23.08.2024, stating that he was eligible. It is only through a counter statement that they claim the petitioner's degree is not equivalent. It is the



further submission of the petitioner that having obtained a degree in both

Marketing and Human Resources Management, which encompasses the

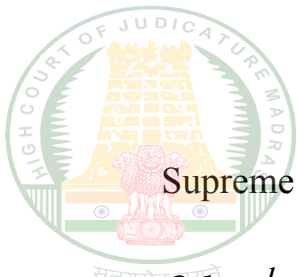
required specialization in Marketing, the respondent's contention that it is not

equivalent is against the spirit of the degree.

3. Per contra, the learned Standing Counsel appearing on behalf of the Tamil Nadu Public Service Commission would strongly object the contentions of the petitioner and submitted that it is the primordial duty of the petitioner to submit an equivalence certificate, when the degree obtained by the candidate does not match the notified qualification.

4. It is the further submission of the learned Standing Counsel that the qualification prescribed in the notification is not determined by the Commission, and the qualification indicated in the notification is as per the user Department's requirement. Therefore, the Commission's role is limited.

5. The learned Standing counsel relied upon the judgment of the Hon'ble



Supreme Court of India in the case of *Shifana P.S. vs. State of Kerala and*

*Others*¹, wherein the Apex Court has held that the candidate cannot argue

because of the similarity of the nomenclature of the degree so as to justify that their degree is equivalent to the qualification prescribed in the notification.

6. I have given my anxious consideration to the submissions made by both sides.

7. Admittedly, the petitioner secured 267.00 marks and ranked third overall. The sole issue now is whether the petitioner's qualification in the MBA (Marketing and Human Resources Management) is equivalent to the MBA (Marketing). As rightly contended by the learned Standing Counsel, it is the petitioner's duty to submit an equivalence certificate to establish that his qualification meets the prescribed requirements.

8. In the case on hand, this Court is of the prima facie view that the

1. (2024) 8 SCC 309



WEB COPY

petitioner's qualification in MBA (Marketing and Human Resources Management) appears to be equivalent to MBA in Marketing. However, determining equivalence is a matter for the Expert Committee to decide, and this Court cannot substitute its judgment for that of the Committee. Apart from that as per *Shifana's* case (cited supra), nomenclature will not be a decisive factor to consider equivalence.

9. Here we cant overlook the fact that the petitioner stood third in the overall raking. For public employment, we need best talent. The authority cannot lose such talent due to issues of equivalence on the date of notification, as in the recent years, the academicians on research and effective deliberation provided multidisciplinary degree. However, the user department, without updating their rule by incorporating all new degrees, has been following outdated old degree, which are more than a decade old.

10. In such view of the matter, taking into consideration of the rank obtained by the petitioner and considering the principles of equity, this Court



WEB COPY

deems it appropriate to suo-motu implead the Equivalence Committee and the Principal Secretary. Therefore, the Principal Secretary to Government, Higher Education Department, Government of Tamil Nadu, Secretariat, Chennai – 600 009 and the Member Secretary, Tamil Nadu State Council for Higher Education, Lady Willingdon College Campus, Kamarajar Salai, Chennai – 600 005 are suo-motu impleaded as respondents 5 and 6. Mr.C.Jayaprakash, learned Government Advocate takes notice for the respondents 5 and 6. This is to consider equivalence, as this issue is not the existence of the required qualification on the date of notification, but rather the proof of the same. In this regard, it is useful to refer to the case of ***Dolly Chhanda vs. Chairman, JEE and Another***², where the Hon'ble Supreme Court held as follows:

“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding

2. (2005) 9 SCC 779



WEB COPY



the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”

11. Hence, this Court directs Equivalence Committee to consider the petitioner's request for determining the equivalence between his MBA (Marketing and Human Resources Management) degree obtained from Bharatiyar University, and the prescribed MBA degree in Marketing, within a period of three months, following receipt of the request from the petitioner. The



petitioner is directed to submit his request to the Equivalence Committee within one week from today.

WEB COPY

12. Notwithstanding the above, the 1st respondent is directed to proceed with the selection process, considering the petitioner as a prospective candidate as he secured third rank in overall ranking. However, the petitioner's result shall be withheld and may be released subject to the outcome of the Equivalence Committee's report. This Court is of the considered opinion that this approach would balance the need for fairness in the selection process and merit with the requirement of adhering to the prescribed qualifications.

13. In result, this Writ Petition stands disposed of in the above terms. No costs. Consequently, the connected Miscellaneous Petitions are closed.

25-06-2025

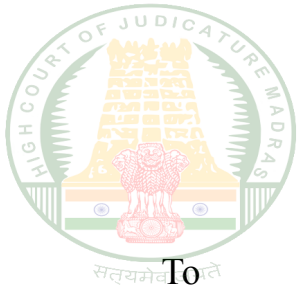
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Jeni



WEB COPY

To
1.The Chairman

Tamilnadu Public Service Commission,
TnpSC Road, Chennai-600 003

2.The Secretary

Tamilnadu Public Service Commission,
TnpSC Road, Chennai-600 003

3.The Controller Of Examinations

Tamilnadu Public Service Commission,
TnpSC Road, Chennai-600 003

4.The Principal Secretary

Tansidco, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai-600 032.

5.The Principal Secretary to

Government, Higher Education
Department, Government of Tamil
Nadu, Secretariat,
Chennai – 600 009.

6.The Member Secretary,

Tamil Nadu State Council for Higher
Education, Lady Willingdon College
Campus, Kamarajar Salai,
Chennai – 600 005.



WEB COPY

WP No. 20092 of 2025



C.KUMARAPPAN J.

Jeni

WP No. 20092 of 2025

25-06-2025