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W.P.No.21814 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.11.2025

PRONOUNCED ON : 28.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.21814 of 2019

M.Kamalakaran

.. Petitioner

vs

Tamil Nadu Public Service Commission

Rep. By its Secretary,
Frazer Bridge Road,
Chennai -3.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus to call for the records on the file of respondent in Circular No.6207/Ne.Tae.Tu-Aa 2 /2010, dated 23.05.2019 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to appoint the petitioner as Assistant in Rural Development and Panchayat Raj Department in the Tamil Nadu Ministerial Service, Tirupur District by issuance of notification.

For Petitioner : Mr.K.Prathap
for Mr.M.Subash
Mr.C.Deepak Kumar

For Respondent : Mr.Karthik Jaganath
Standing Counsel

ORDER



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Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent and perused the records.

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2. The case of the petitioner in brief is that he had pursued the Engineering Course in the Branch of Mechanical Engineering at Vinayaka Missions University, Salem, a Deemed University during the period 2004 to 2008 and secured first class; that on the respondent inviting applications from the candidates for filling the Non-Interview Posts in Combined Subordinate Services Examination-I, 2009-2011 (hereinafter for sake of brevity and convenience referred to as CSSE-I, 2009-2011) he had applied for the said post; that on submitting the application for recruitment, he was assigned with Reg.No.13603242 for the written examination conducted on 30.07.2011; that he had qualified and secured 2184th rank in the written examination; that the respondent issued a letter stating that he was provisionally selected for the post of Assistant in Rural Development and Panchayat Raj Department in the Tamil Nadu Ministerial Services, Tiruppur District; and that the above posting has been withheld owing to non-production of document called “Equivalence of Educational Qualification Certificate”.



3. It is the further case of the petitioner that though he had submitted the certificate of equivalence, the respondent did not reply to any of the written representations submitted by him; and that in the notification issued, under the eligible criteria, it has been only stated that any degree obtained from any University recognized by University Grants Commission (in short 'UGC'), Distance Education Council/All India Council for Technical Education are eligible for the post of CSSE-I, 2009-2011.

4. Petitioner further contended that since, he had obtained Engineering Degree through Distance Education Mode from the University recognized by Distance Education Council, the respondent ought to have appointed him in the post of CSSE-I, 2009-2011.

5. It is the further contention that the educational qualification obtained through Distance Education Council was subject matter of consideration before the Hon'ble Supreme Court, and the Apex Court, by its order dated 29.08.2019, taking note of the difficulties and hardship the student would be subjected to if is stripped off their educational qualification secured through Distance Education Council, directed the AICTE to conduct examination two (2) times in respect of technical courses and the candidates



appearing in the said examination and qualifying therein, the educational qualifications secured were directed to be considered as recognized; that he had appeared in the examination conducted by the AICTE pursuant to the directions of the Hon'ble Apex Court in C.A.No.17869 to 17870 of 2017; and got qualified; and that on qualifying in the aforementioned test conducted by the AICTE, he had approached the respondent and submitted a letter dated 20.03.2019 seeking for being appointed to the post to which he was qualified pursuant to the notification issued by the respondent.

6. It is the further case of the petitioner that the respondent without considering the fact that the petitioner's educational qualification now stands confirmed, rejected the application for providing him with employment, which action of the respondent it is contended as highly illegal and arbitrary.

7. Counter affidavit on behalf of the respondent is filed.

8. The respondent by the counter affidavit contended that pursuant to the notification issued inviting applications for direct recruitment to the post included in CSSE-I, 2009-11, 3475 vacancies in Oral Test posts and 3171 vacancies in Non-Oral Test posts were announced and about 4,00,000



applications were received by the respondent for the said recruitment; and that the candidates were admitted for the written examination held on 30.07.2011 based on the claim made by them in the online application and the petitioner is one among the 4,00,000 candidates who had applied under the aforesaid notification.

9. By the counter affidavit, it is contended by the respondent that the petitioner belongs to MBC/BC category and secured 234 marks in the written examination and thus, he was called for first phase of certificate verification and for counseling for Non-Oral test post which was attended by him on 29.11.2012.

10. By the counter affidavit, the respondent contended that during the certificate verification before counseling, it had come to the notice of the respondent, that the petitioner had acquired his Graduation degree [B.E.(Mechanical)] through Distance Education conducted by the Vinayaka Missions University and as per the notification issued by the Ministry of Human Resources and Development (in short "MHRD"), the B.E./B.Tech., degrees obtained through Distance Education Mode are not approved by the Joint Committee of UGC-AICTE; and that based on the aforesaid



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notification of MHRD, the Equivalence Committee resolved that the B.E., Degree obtained through Distance Education mode from Vinayaka Missions University is not equivalent to the B.E. Degree obtained through regular stream; and thus, the petitioner was not considered for being appointed to the post he had applied for, as he did not possess any valid degree from the University recognized by the UGC.

11. By the counter affidavit, it is further contended by the respondent that on the claim of petitioner for being appointed in the post of Assistant in Rural Department and Panchayat Department being rejected, the petitioner approached this Court by filing a writ petition vide W.P.No.21504 of 2016, and this Court, by order dated. 30.08.2016 held that the petitioner, who acquired B.E. Degree through Distance Education Mode is not eligible to secure a job and dismissed the writ petition.

12. The respondent further contended that since, the petitioner did not possess the required qualification on the date of he applying to the post, his provisional selection to the post of Assistant in the concerned department was cancelled and the said vacancy was carried forward to the next recruitment.



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13. It is also the further contention of the respondent that as per the directions of the Hon'ble Apex Court in Civil Appeal.No.17869-17870 of 2017, the qualifying test was conducted by AICTE from 16 to 19th December, 2018 for validating Engineering degree; and that the petitioner, on the basis of the said validation degree, cannot claim of he possessing the requisite educational qualification for being appointed to the post pursuant to the notification dated 30.12.2010 of CSSE-I, 2009-11 issued during the year 2009-11.

14. The respondent thus contended that since, the petitioner secured requisite qualification only after he was declared as qualified, in the validation test held by the AICTE in the year 2019, cannot claim for being appointed to the post of Assistant, for which, written test was held on 30.07.2011; and that for the said reason, the respondent was issued the impugned communication /letter rejecting his representation dated 20.03.2019.

15. On behalf of the respondent, contending as above, reliance is placed on the decision of a Division Bench of this Court dated 12.09.2023 in Rev.A.No.62 of 2022 in W.A.No.1150 of 2018, etc., batch, wherein it has been held as follows:



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“.....18. Accordingly, I have no hesitation to come to the conclusion that, it is not the case of the respondent that she was having the requisite qualification as on the date of notification. Admittedly, the respondent was not having the requisite qualification as on the date of Notification in question, I.e., the result of the qualifying examination was not announced. When the fact remained that the respondent was not qualified to apply for the post as on the date of Notification, we have to ultimately come to the conclusion that the Review Applications has to be allowed, even though the qualification was acquired before the last date of making the application.”

16. I have taken note of the respective contentions urged.

17. Pursuant to the notification issued by the respondent, the petitioner had applied for selection to the post of Assistant. The notification, as issued by the respondent, prescribed the educational qualification to the said post as requiring to have the degree from any University recognized by UGC, Distance Education Council/AICTE.



18. Admittedly, the petitioner was possessing a degree in the Branch of Engineering and in so far as, Engineering degrees are concerned, it is the AICTE which is the regulatory body. Though the petitioner had obtained his graduation in B.E.(Mechanical) from Vinayaka Missions University, no material is placed before this Court to show that the said course had the approval of AICTE.

19. Further, the recognition policy of Distance Education Council as placed before this Court, through which the petitioner had obtained his B.E. Degree, did not have approval from AICTE during the relevant academic period i.e., 2004 to 2008. The Policy, as placed before this Court, shows that the University in which, the petitioner had pursued his education, had approval for a period of 5 years from February 2007 onwards and not during the period 2004 to 2008. Thus, the B.E. degree obtained by the petitioner on the basis of which he had submitted application for appointment to the post of Assistant cannot be considered as a valid degree. Further, the petitioner having failed in his effort in an earlier writ petition, cannot claim of the said degree being a valid degree at the relevant point of time when he had submitted application for appointment.



20. The mere fact of the Hon'ble Apex Court directing AICTE to conduct validation test and the petitioner having qualified in the said test would not result in the degree obtained by the petitioner, as a valid degree of the year when he had applied to the post, which is pre-requisite for making an application under the notification.

21. As, the petitioner is considered as qualified only after validation test conducted by AICTE in the year 2018-19, the petitioner on the basis of the said validation test cannot approach the respondent and seek for being appointed in the post to which he was provisionally selected in the year 2011 under the notification CSSE-I, 2009-11, after a lapse of 6 years, that too after the completion of recruitment process.

22. Further, the respondent having cancelled the provisional appointment/selection of the petitioner in the year 2016 and the said order having attained finality, on account of dismissal of the writ petition in WP.No.21504 of 2016, the claim of the petitioner could not have been considered. If the contention of the petitioner is accepted, the same would amount to the petitioner reserving his employment, in anticipation of securing the qualification required to be possessed, on the date of making the application. Thus, this Court sees no infirmity in the impugned order passed



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by the respondent in rejecting the letter dated 20.03.2019 submitted by the petitioner.

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23. Accordingly the writ petition is devoid of merits and therefore, dismissed. No costs.

28.11.2025

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Index: Yes/No
Internet: Yes/No
Speaking order: Non-speaking order
Neutral Citation: Yes/No

T. VINOD KUMAR, J.

msv

To
The Secretary,
Tamil Nadu Public Service Commission
Frazer Bridge Road,
Chennai -3.

Pre-Delivery Order in

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