

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Reserved On	10.12.2024
Pronounced On	29.04.2025

Coram:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.No.3410 of 2024
and C.M.P.No.26460 of 2024

Tamil Nadu Public Service Commission,
 Represented by its Secretary,
 TNPSC Road, V.O.C.Nagar,
 Broadway, Chennai – 600 003.

...Appellant

Versus

- 1.B.Shelshia
- 2.The Chairman of Equivalence Committee
 cum The Secretary to Government,
 Higher Education Department,
 Government of Tamil Nadu,
 Secretariat, Fort St.George,
 Chennai – 600 009.
- 3.Tamil Nadu State Council For Higher Education,
 Represented by its Secretary,
 Lady Willingdon College Campus,
 Kamarajar Salai, Chennai – 600 005.



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4.Bharathiar University,
Represented by its Registrar,
Marudhamalai Road,
Coimbatore – 641 046.

...Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 06.09.2024 passed in W.P.No.16941 of 2024 and allow the writ appeal.

For Appellant	:	Mr.J.Raveendran Additional Advocate General Assisted by Ms.G.Hema, Standing Counsel
For Respondent – 1	:	Mr.Arun Anbumani for Mr.P.Rajkumar
For Respondents – 2 & 3 :		Mr.D.Ravichander, Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

This intra Court Appeal is directed against the impugned order dated 06.09.2024 passed by the Writ Court in W.P.No.16941 of 2024.



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2. The brief facts of the case are that the 1st respondent/writ petitioner had obtained B.Com. Degree in Accounting & Finance from PSG College of Arts and Science, Coimbatore affiliated to 4th respondent University. While so, the appellant had issued a Notification No.03/2022 dated 23.02.2022 for direct recruitment to the posts included in Combined Civil Services Examination – II (Interview Posts and Non-Interview Posts) in Group – II & IIA Services, pursuant to which, the 1st respondent/writ petitioner had applied for the Non-Interview Post viz., Junior Co-operative Auditor in Co-operative Audit Department. Thereafter, the 1st respondent/writ petitioner had participated in the written examination conducted by the appellant on 25.02.2023. The results of the said written examination were published on 11.01.2024 and the 1st respondent/writ petitioner had passed in the written examination. She had secured 133 marks and she was positioned at 11589th overall Rank and 3523rd Communal Rank (MBC/DC Community – General Category).

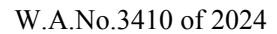
3. The Tamil Nadu Government Staff Selection Commission vide Memorandum No.271/PSD-A2/2022 dated 30.05.2024, called the 1st



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respondent/writ petitioner to attend the Certificate Verification/Consultation on 11.06.2024. During the process of Certificate Verification, the 1st respondent/writ petitioner was orally informed that the B.Com. Degree in Accounting & Finance obtained by her from PSG College of Arts and Science, Coimbatore was not equivalent to B.Com. Degree as contemplated in Serial No.30 of List of Non-Interview Posts given under Paragraph No.5(B) of the aforesaid Notification No.03/2022 dated 23.02.2022 and hence, she is required to produce Equivalence Certificate to the effect that B.Com. Degree which she obtained from PSG College of Arts and Science, Coimbatore affiliated to 4th respondent University is equivalent to the B.Com. Course. Hence, the 1st respondent/writ petitioner had made an application dated 18.06.2024 to the 3rd respondent by way of Registered Post as well as e-mail, requesting for issuance of Equivalence Certificate. That apart, in this regard, she had also sent a representation dated 18.06.2024 to the 2nd respondent.

4. In this background, the 1st respondent/writ petitioner approached the Writ Court by filing W.P.No.16941 of 2024 seeking for issuance of a



5. By impugned order dated 06.09.2024, the Writ Court has allowed
foresaid writ petition filed by the 1st respondent/writ petitioner.
ative portion of the impugned order reads as under:

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9. *In the case in hand, the candidature of the petitioner was not considered mainly on the ground that the essential qualification was not fulfilled by the petitioner. The petitioner possessed B.Com (Accounting and Finance) and this degree was granted by Bharathiar University, Coimbatore and the same was not considered to be equivalent to B.Com as prescribed under the notification.*

10. *This Court had taken into consideration the grievance of the petitioner and also the fact that there were 30 vacancies available as on 27.06.2024. Hence, a direction was issued to the equivalence committee to pass orders within a time frame. Pursuant to this order, G.O.Ms.No.130, dated 24.07.2024 has been issued and the degree obtained by the petitioner has been declared to be equivalent to B.Com. In view of the same, the essential qualification of the petitioner stands fulfilled.*

11. *The Tamil Nadu Public Service Commission cannot be permitted to take a stand that in spite of the Government order that has now been issued, the same will not be acted upon since the Government Order has been produced after the notification. This prohibition prescribed in the notification cannot stand in the way of an order passed by this Court. This Court was aware of such a prohibition available in the Government Order. In spite of the same, a direction was issued to the equivalence committee to consider the UG degree obtained by the petitioner and the same was considered by the committee and G.O.Ms.No.130, dated 24.07.2024 has been issued. Hence, this Government Order has to be necessarily acted upon and it cannot be disregarded by Tamil Nadu Public Service Commission by pointing out to the notification.*

12. *When the order was passed by this Court on 27.06.2024, this Court was aware of the fact that there were 30 vacancies. A direction was issued by this Court to the equivalence committee to see if the petitioner possesses the essential qualification and can be accommodated in the unfilled vacancies. In view of the same, the Tamil Nadu Public Service Commission should have kept one vacancy in tact since the petitioner cannot be left high and dry, if, in*



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case, the petitioner is able to produce the equivalence Government Order. Therefore, just because a provisional selection list has been prepared by filling up the 30 vacancies, that cannot be put against the petitioner and the petitioner has to be necessarily accommodated, if he is otherwise qualified. The Tamil Nadu Public Service Commission cannot prevent the petitioner from participating in a selection adopting fait accompli.

13. In the light of the above discussion, there shall be a direction to the first respondent to consider the candidature of the petitioner for the post of Junior Co-operative Auditor under MBC/DC General category, if the petitioner is otherwise qualified. This process shall be completed by the first respondent within a period of two(2) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs.”

Challenging the impugned order, the present writ appeal has been preferred by the appellant (1st respondent in W.P.No.16941 of 2024).

6. The case of the appellant is that the 1st respondent/writ petitioner does not possess the educational qualification prescribed for the Non-Interview Post viz., Junior Co-operative Auditor in Co-operative Audit Department under Paragraph No.5(B) of the aforesaid Notification No.03/2022 dated 23.02.2022.



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7. The educational qualification prescribed for the Non-Interview

Post viz., Junior Co-operative Auditor in Co-operative Audit Department

under Paragraph No.5(B) of the aforesaid Notification reads as follows:

“5. QUALIFICATIONS:

(B) EDUCATIONAL QUALIFICATION (as on 23.02.2022)

Applicants should possess the following or its equivalent qualification awarded by any University or Institution recognized by the University Grants Commission. [According to G.O.(Ms).No.139, Personnel and Administrative Reforms (Per.M) Department dated 07.10.2009 (Refer Annexure – V). The applicants who possess the Professional Degree are eligible to this recruitment except for the posts of Assistant Section Officer in Law Department in Secretariat and Assistant Section Officer in Finance Department in Secretariat and Junior Cooperative Auditor in Cooperative Audit Department]

Non Interview Posts

<i>Sl.No.</i>	<i>Name of the Post</i>	<i>Educational Qualification</i>
30	Junior Co-operative Auditor in Co-operative Audit Department	A Degree of B.B.M., or B.Com. , or B.Com. (Computer Application) or B.A. (Co-operation) or B.A. (Economics) or B.A. (Corporate Secretaryship) or B.B.E awarded by any University.

Note:

(i) The educational qualification prescribed for these posts should have been obtained by passing the required qualification in the following order of studies viz., 10th + HSC/Diploma or its equivalent + U.G. Degree + P.G. Degree as required under Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The results of examination should have been declared on



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or before the date of Notification. [Section 20 (4) (iv) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016]

(ii) Applicants claiming equivalence of qualification to the prescribed qualification should upload and submit evidence for equivalence of qualification in the form of Government Order issued on or before the date of this notification and produce, it when called for, failing which, their application will be summarily rejected after due process. The Government Orders regarding equivalence of qualification issued after the date of this notification will not be accepted.”

8. The learned Additional Advocate General appearing for the appellant submitted that the impugned order of the Writ Court is primarily assailed on the ground that the 1st respondent/writ petitioner had not satisfied the conditions contemplated under Paragraph No.5(B) of the above recruitment Notification No.03/2022 dated 23.02.2022. He also submitted that the Writ Court has failed to consider the Note (ii) of Paragraph No.5(B) of the said Notification.

9. The learned Additional Advocate General further submitted that since the 1st respondent/writ petitioner has obtained the equivalence certificate only after the filing of writ petition, the appellant was justified in rejecting the candidature of the 1st respondent/writ petitioner.



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10. The learned Additional Advocate General also drew the attention of this Court to Paragraph No.13 (I) & (L) of the recruitment Notification No.03/2022 dated 23.02.2022, which is extracted hereinbelow:

“13.GENERAL INFORMATION:

(I) Evidence for all the claims made in the online application should be uploaded/submitted in time when documents are called for. Any subsequent claim made after submission of online application will not be entertained. Failure to upload/submit the documents within the stipulated time limit will entail rejection of application after due process.

(J)

(K)

(L) Incomplete applications and applications containing wrong claims or incorrect particulars relating to category of reservation / eligibility / age / gender / communal category / educational qualification / medium of instruction / physical qualification / other basic qualifications and other basic eligibility criteria will be summarily rejected after due process.”

11. We have considered the arguments advanced by the learned counsel on either side. We have carefully perused the impugned order as well as Notification No.03/2022 dated 23.02.2022 and G.O.(Ms).No.130 Higher Education (K1) Department dated 24.07.2024.

12. At the outset, we would like to state that we find no infirmity in the impugned order passed by the Writ Court and therefore, the impugned



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order of the Writ Court does not warrant interference and hence, the present

Writ Appeal is liable to be dismissed. We shall give our reasons.

13. In the present case, admittedly, the 1st respondent/writ petitioner had obtained B.Com. Degree in Accounting & Finance from PSG College of Arts and Science, Coimbatore affiliated to 4th respondent University.

14. In ***John Xavier Vs. The Chaiman, Tamil Nadu Public Service Commission & Ors. (W.P.(MD).No.4931 of 2023 dated 27.09.2024)***, the Madurai Bench of this Court following its decision in ***Dr.M.Vennila and TNPSC & Ors. 2006 (3) CTC 449*** held as under:-

“26. The petitioners having not uploaded the equivalence certificate before the last date or the documents prescribed for claiming reservation under Ex~Service Men quota, by filing the writ petitions, after selection process was over, cannot contend that they are in possession of those certificates as on today and make a claim to the said post. Considering the fact that the selection process has already been completed in March 2023, this Court is not inclined to either quash the provisional selection list or issue a mandamus to the authorities to call the petitioners for certificate verification.

27. In view of the above said deliberations, there are no merits in the writ petitions and the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”



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WEB COPY 15. In ***Praveen Kumar C.P. Vs. Kerala Public Service Commission***

& Ors. reported in (2021) 17 SCC 383, the Honourable Supreme Court held as under:

“25. Note (v) of Clause 7 of the employment notification in the case PK and Note (vi) of Clause 7 of the employment notification in the case of AD required disclosure of the equivalency orders. A plain reading of the two G.Os clearly reflect that their degrees were equivalent to the requisite qualifications contained in the eligibility criteria. In Aarya K.Babu, the disputed subject was recognized subsequently and introduced as part of the eligibility criteria. The principle of equivalency was not the main reasoning on the basis of which the said case was decided. The word “equivalence” in its plain meaning implies something which is equal to another. In the field of academics, application of the principle of equivalency in relation to degrees in two subjects would mean that they had the same standing or status all along, unless the official instrument according equivalency specifies a date from which the respective subjects would be treated as such, in express terms or by implication.”

16. The issue involved herein is whether the 1st respondent/writ petitioner who sought for appointment to the post of Junior Co-operative Auditor in Co-operative Audit Department did indeed possess requisite qualification and or satisfied the condition post filing of application?



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17. From a perusal of the impugned order, it is evident that several interim orders came to be passed in W.P.No.16941 of 2024. Particularly, when the writ petition was taken up for hearing on 27.06.2024, the Writ Court had directed the 2nd respondent to consider the applications dated 07.06.2024 & 18.06.2024 submitted by the 1st respondent/writ petitioner by constituting an appropriate Equivalent Committee and to pass orders on equivalence by the next date of hearing and directed the case to be listed on 25.07.2024.

18. Meanwhile, G.O.(Ms).No.130 Higher Education (K1) Department dated 24.07.2024 came to be issued. Thus, when the case was listed on 03.09.2024, the Writ Court noted that in Serial No.20 of G.O.(Ms).No.130 Higher Education (K1) Department dated 24.07.2024, it was mentioned that “B.Com. Degree” in “Accounting & Finance” offered by PSG College of Arts and Science, Coimbatore affiliated to 4th respondent University was equivalent to “B.Com. Degree” as contemplated in the aforesaid Recruitment Notification.



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19. The 1st respondent/writ petitioner had not entertained any doubt as to whether the B.Com. Degree obtained by the 1st respondent/writ petitioner required an equivalent B.Com. at certificate as per Paragraph No.5(B) of the Notification No.03/2022 dated 23.02.2022 while filing the application on 07.03.2022.

20. The question of imposing the conditions in Note (ii) of Paragraph No.5(B) of the recruitment Notification No.03/2022 dated 23.02.2022 would apply only where an applicant/candidate doubts the qualification and therefore, applies for equivalence of qualification but fails to upload and submit the evidence for equivalence of qualification along with the application form. We have already extracted Note (ii) of Paragraph No.5(B) of the recruitment Notification No.03/2022 dated 23.02.2022 in Paragraph No.7 of this order.

21. Since the 1st respondent/writ petitioner did not doubt her qualification, she did not claim equivalence certificate. The rejection of the



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application in terms of Note (ii) of Paragraph No.5(B) of the recruitment Notification No.03/2022 dated 23.02.2022 does not arise in the facts of the present case. In fact, the appellant had also allowed the 1st respondent/writ petitioner to appear for the written examination that was held on 25.02.2023. Thereafter, the appellant also called the 1st respondent/writ petitioner to appear for Certificate Verification/Consultation on 11.06.2024.

22. It is only at that stage, the appellant insisted the 1st respondent/writ petitioner to obtain equivalence certificate from the Equivalence Committee. It is in this background, the 1st respondent/writ petitioner applied for equivalence certificate from the Equivalence Committee.

23. The fact of the matter is that the Equivalence Committee was also seized off the issue and had independently issued G.O.(Ms).No.130 Higher Education (K1) Department dated 24.07.2024, wherein, it was clarified that B.Com. Degree in Accounting & Finance offered by the PSG College of Arts and Science, Coimbatore affiliated to 4th respondent University was



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equivalent to B.Com. Degree for the purpose of employment in public services.

24. The relevant portion of G.O.(Ms).No.130 Higher Education (K1)

Department dated 24.07.2024 is extracted as under:

Higher Education (K1) Department

G.O.(Ms).No.130

Dated:24.07.2024

Read:

1. G.O.(Ms)No.93, Higher Education (K2) Department, dated 30.05.2019

2. G.O.(Ms)No.111, Higher Education (K1) Department, dated 24.06.2024

3. From the Member-Secretary (i/c), Tamil Nadu State Council for Higher Education, Letter No.Rc.No.1895/2024 A, dated 16.07.2024

ORDER:

In her letter third read above, the Member Secretary (i/c), Tamil Nadu State Council for Higher Education, has forwarded the resolutions passed in the 26th Equivalence Committee meeting held on 11.07.2024 under the Chairmanship of the Additional Chief Secretary to Government, Higher Education Department, on the Equivalence of Degrees offered by various Universities/Educational Institutions to the similar Degrees for the purpose of employment in Public Services.

2. The Government, after careful consideration, approve the following resolutions passed in the 26th Equivalence Committee



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meeting held on 11.07.2024 under the Chairmanship of the Additional Chief Secretary to Government, Higher Education Department from the date of issuance of such degrees:

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Sl.No.	Item No.	Subjects	Equivalence Committee Recommendations
1	1	Public Services – Educational Qualification – Consideration of B.Lit. Tamil awarded by Bharathidasan University as to whether equivalent to B.A. Tamil for the purpose of employment in public services and pursuing Higher Studies.	Equivalent
20	67	Public Services – Educational Qualification – Consideration of B.Com. (Accounting & Finance) offered by PSG College of Arts & Science, Coimbatore affiliated to Bharathiar University as to whether equivalent to B.Com. for the purpose of employment in public services.	Equivalent

25. The Writ Court had also vide its order dated 27.06.2024, directed the 2nd respondent to consider the applications dated 07.06.2024 & 18.06.2024 submitted by the 1st respondent/writ petitioner by constituting the appropriate Equivalent committee and to pass orders on equivalence.

26. Thus, the stand of the 1st respondent/writ petitioner was vindicated in G.O.(Ms).No.130 Higher Education (K1) Department dated 24.07.2024.



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27. The view taken by the Madurai Bench of this Court in ***John Xavier Vs. The Chaiman, Tamil Nadu Public Service Commission & Ors.*** (***W.P.(MD).No.4931 of 2023 dated 27.09.2024***) is not applicable to the case on hand.

28. Further, if the first respondent/writ petitioner was ineligible to apply for not having obtained requisite qualification as per Serial No.30 to Paragraph No.5(B) of the recruitment Notification No.03/2022 dated 23.02.2022, the application of the first respondent/writ petitioner ought to have been treated as incomplete application in terms of Paragraph No.13(L) of the said recruitment Notification and rejected then and there.

29. However, in this case, the first respondent/writ petitioner was not only allowed to participate in the examination but also she was called for certificate verification. Thus, we are of the view that the impugned order of the Writ Court does not merit any interference in our hands.



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WEB COPY 30. In the light of the above discussion, we find no reason to interfere with the impugned order passed by the Writ Court. Hence, this Writ Appeal is liable to be dismissed. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
29.04.2025

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Index : Yes

Neutral Citation: Yes

Speaking Order



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To

- 1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Broadway, Chennai – 600 003.
- 2.The Chairman of Equivalence Committee
cum The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.
- 3.The Secretary,
Tamil Nadu State Council For Higher Education,
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- 4.The Registrar,
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