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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.04.2025

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**
and
THE HON'BLE MS.JUSTICE **R.POORNIMA**

REV.APLC(MD)No.17 of 2022

M.Sakkaraichamy ... Petitioner

Vs

1.Tamil Nadu Public Service Commission,
represented by its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar, Chennai – 600 003.

2.The Principal Secretary to Government,
Personal and Administration Reforms Department,
Secretariat, Chennai. ... Respondents

Prayer: This Review Application is filed under Order 47 Rule 1 r/w 114 of CPC to review the order passed by this Court in W.A.(MD)No.1073 of 2020, dated 27.04.2021.

For Petitioner : Mr.P.Jeyasankar

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ORDER

The Review Petitioner herein has filed a Writ Petition in the nature of Writ of Certiorarified Mandamus to call for the communication, dated 17.12.2013 on the file of the Secretary, Tamil Nadu Public Service Commission and subsequently to quash the same as illegal and appoint the petitioner in the post of Assistant in Revenue Department.

2.The case of the Review Petitioner is that he, on completion of B.E. Course in Mechanical Engineering in the year 1999, participated in the process of selection for the appointment to the posts notified under Advertisement No.219, dated 15.11.2009 under Combined Subordinate Services Examination-I in the Tamil Nadu Government. He also opted for the post of Assistant in the Revenue Department for which the prescribed educational qualification is a degree of B.A. or B.Sc., (other than in professional subject) or B.Com of any University or institution recognised by University Grants Commission. While so, taking into consideration certain clarifications in different context and when clarification under RTI Act was obtained, the Review Petitioner wants to

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treat his B.E. Professional degree on par with the degree in Humanitarian science.

3.The learned Single Judge, after considering the submissions made by the Review Petitioner, disposed of the Writ Petition stating that B.E. degree is not a qualification for the post of appointment, as per the recruitment notification issued by TNPSC, since degree holder in professional subjects are excluded in the notification inviting applications for the post of Assistant in Revenue Department. However, the learned Single Judge has also taken note of the fact that the professional degree need not be excluded from participating in the selection process for the post of Assistant in Revenue Department and had directed the Principal Secretary to the Government, Personal and Administration Reforms Department, to revise the rules in relation to selection and appointment to the various posts more specifically for the post under Group-III and Group-IV service as well as basic service prescribing minimum and maximum qualification in consonance with the concept of level playing field enabling the suitable candidates to secure public appointment by participating in the open competitive process.

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4.Being aggrieved by the disposal of the Writ Petition with the aforesaid directions, the Review Petitioner has preferred an appeal in W.A.(MD)No.1073 of 2020, which was heard by a Division Bench of this Court and was dismissed on 27.04.2021. While dismissing the Writ Appeal, the Division Bench has made it clear that the G.O.(Ms)No.138, Personal and Administration Reforms Department, dated 29.12.1997, enabling the degree holders in professional course like, B.E., M.B.B.S., and B.V.Sc., to apply for B.L/L.L.B., course will not apply to the case in hand, since it is for a recruitment to a particular post with particular educational qualification and with specific exclusion of professional degree holders.

5.Not satisfied with the order of dismissal, the Review Petitioner has taken out a Review Application (MD)No.91 of 2021 raising certain grounds to review the earlier judgment. The Division Bench vide order, dated 20.12.2021 considered that the Review Petition is filed by a different set of Counsel and referring the judgment of the Honourable Supreme Court in ***Tamil Nadu Electricity Boad and another vs Raju***

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Reddiar and another, reported in ***(1997) 9 SCC 736***, disposed of the Review Petition preserving the right to the Review Petitioner to prefer a Review Petition through the Counsel, who appeared on his behalf in the Writ Appeal. As a consequence, the present Review Petition is filed through his Counsel by name, P.Jeyasankar (Enrol No.681/2011).

6.In the present Review Petition, it is contended that the Division Bench has wrongly referred the Government Order number as 138 instead of 318. The observation of the Division Bench that appellant/Review Petitioner had not achieved the bench mark qualification is not relevant to the case on hand, since his application was rejected for want of educational qualification or in otherwise, for possessing a degree in professional course and not for clearing the minimum bench mark qualification.

7.This Court find that wrong mentioning of the Government Order no way prejudiced the case of the Review Petitioner, since the content of the Government order is well understood and decided by the Division Bench distinguishing the G.O(Ms)No.318 of Personal and

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Administration Reforms Department, and that cannot be telescoped to the notification issued by the TNPSC for selection to the post of Assistant in the Revenue Department. Like wise, failure to clear the bench mark qualification is only an additional reason for the Court to decline the relief sought and satisfied itself that even otherwise, the case of the Review Petitioner is hopelessly devoid of merits. It is unfortunate that the Review Petitioner has been totally misdirected and misconceived the law, which has forced him to file a Writ Petition, Writ Appeal and two Review Applications. When the notification for the selection process is specific that degree holders in professional course are excluded in participating in the selection for the post of Assistant in the Revenue Department, the Writ Petition filed five years after the notification after participating in the selection process challenging the eligibility condition is against the settled principle of law.

8.The learned Single Judge after considering the merits of the case has directed the Government to revisit the rules and it is open for the Government to take a policy decision regarding the eligibility condition. The Court in exercise of its power under Article 226 of Constitution of

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India cannot dictate the Government to take a policy decision in a particular manner. Hence, the Review Petition stands dismissed. However, no order as to costs.

(G.J., J.) (R.P, J.)
25.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To

1.The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
V.O.C.Nagar, Chennai – 600 003.

2.The Principal Secretary to Government,
Personal and Administration Reforms Department,
Secretariat, Chennai.

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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

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