



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025
and
C.M.P.(MD)Nos.5726, 6722, 6723, 6747 and 6748 of 2025**

W.A.(MD)No.860 of 2025:-

R.Kaleeswaran

... Appellant

Vs.

1.J.Vinoth

2.The Principal Secretary,
Tourism and Culture Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

3.The Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road, Broadway,
Chennai - 600 003.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.23508 of 2024 dated 21.02.2025 on the file of this Court.



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W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

For Appellant : Mr.T.Lajapathi Roy, Senior Counsel,
for M/s.Roy and Roy Associates.

For Respondents : Mr.S.C.Herold Singh for R1
Mr.A.Kannan,
Addl. Government Pleader for R2.
Mr.J.Anandkumar for R3

W.A.(MD)No.1053 of 2025:-

1.The Tamil Nadu Public Service Commission,
Rep. by its Member Secretary,
Chennai - 600 002.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai - 600 002.

... Appellants

Vs.

1.S.Amuthavalli

2.The Member Secretary,
Tamilnadu State Council for Higher Education,
Lady Willington College Campus,
Kamarajar Salai, Triplicane,
Chennai - 00 005.

3.The Principal Secretary,
Tourism, Cultural and Religious Endowments Department,
St.George Fort, Chennai 600 009.

4.The Registrar,
Annamalai University,
Annamalainagar
Chidambaram - 608 002.

5.M.Sangeetha

... Respondents



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.23732 of 2024 dated 21.02.2025 on the file of this Court.

For Appellants : Mr.J.Anandkumar

For Respondents : Mr.G.Sakthi Rao for R1
Mr.A.Kannan,
Addl. Government Pleader for R2 & R3.

W.A.(MD)No.1054 of 2025:-

The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, Broadway,
Chennai - 600 003.

... Appellant

Vs.

1.J.Vinoth

2.The Principal Secretary,
Tourism, Cultural Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

3.R.Kaleeswaran

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.23508 of 2024 dated 21.02.2025 on the file of this Court.



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

For Appellant : Mr.J.Anandkumar

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**For Respondents : Mr.S.C.Herold Singh for R1
Mr.A.Kannan,
Addl. Government Pleader for R2.**

**Mr.T.Lajapathi Roy, Senior Counsel,
for M/s.Roy and Roy Associates for R3.**

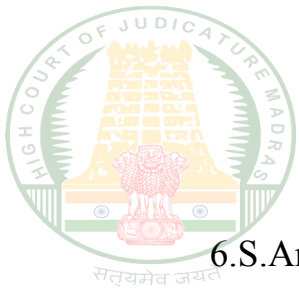
W.A.(MD)No.1061 of 2025:-

M.Sangeetha

... Appellant

Vs.

- 1.The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
Chennai - 600 003.
- 2.The Controller of Examination,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
Chennai - 600 003.
- 3.The Member Secretary,
Tamilnadu State Council for Higher Education,
Lady Willington College Campus,
Kamarajar Salai, Triplicane,
Chennai - 600 005.
- 4.The Principal Secretary,
Tourism, Cultural and Religious Endowments Department,
St.George Fort, Chennai - 600 009.
- 5.The Registrar,
Annamalai University,
Annamalainagar,
Chidambaram - 608 002.



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

6.S.Amuthavalli

... Respondents

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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)Nos.23508 and 23732 of 2024 dated 21.02.2025 on the file of this Court.

For Appellant : Mr.S.Kolandasamy

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R1 to R4.

Mr.V.Karthickraja,
for M/s.Ajmal Associates for R5.

Mr.G.Sakthi Rao for R6

COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.TNPSC issued notification dated 25.01.2023 calling for applications from eligible candidates for three vacancies in the post of Tourist Officer. Kaleeswaran, Sangeetha and Suresh were provisionally selected. Impugning their selection, one Amuthavalli and Vinoth filed W.P.(MD)Nos.23508 and 23732 of 2024. Their ground of attack was that two of the selected candidates namely, Kaleeswaran and Sangeetha



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

lacked the essential qualification. They point out that though Sangeetha and Kaleeswaran are having P.G. Degrees, they do not have Diploma in Tourism which is the prescribed qualification. They are only holders of P.G. Diploma in Tourism Management. According to the writ petitioners, P.G. Diploma in Tourism Management is not equivalent or is higher qualification compared to Diploma in Tourism. They contended that P.G. Diploma is not one of the qualifications prescribed as an essential qualification in the recruitment notification. The stand of the writ petitioners was accepted and the learned Singe Judge allowed the writ petitions on 21.02.2025 in the following terms:

25.In view of the judgments of the Hon-ble Supreme Court, this Court is not in a position to consider the submission of the learned Senior Counsel appearing for the selected candidates that P.G.Diploma is equivalent to Diploma in Tourism, relying upon the brochure issued by the concerned universities.

(D)Conclusion:

26.In view of the above said deliberations, it is clear that the private respondents in both the writ petitions do not possess the mandatory required educational qualification as per Service Rules and the Notification issued by TNPSC on 25.01.2023 for the post of Tourist Officer. The provisional selection list insofar as the private respondents in the writ petitions are concerned,



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W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

are hereby set aside. The Government and TNPSC are directed to consider the candidature of the writ petitioners for the post of Tourist Officers, if they are otherwise qualified and fall within the zone of consideration.”

Aggrieved by the same, not only Kaleeswaran and Sangeetha but TNPSC has also filed these writ appeals.

3.During the intervening period, the Government of Tamil Nadu issued G.O.(Ms)No.99 Higher Education Department dated 29.05.2025 recognizing P.G. Diploma in Tourism Management as equivalent to Diploma in Tourism for the purpose of employment in public service. The learned counsel for the writ petitioners, however, contended that this subsequently issued GO cannot come to the rescue of the selected candidates. They drew our attention to the recruitment notification dated 25.01.2023. The relevant portion prescribing educational qualification reads as follows :

“5B. EDUCATION QUALIFICATION (as on 25.01.2023)

“Applicants should possess the following educational qualification awarded by any University or Institution recognised by the University Grants Commission on the dates of this notification :-



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W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

- 1) (i) Post Graduate degree in Travel and Tourism ; (or)
(ii) Any Post Graduate degree with one subject on
Tourism ; (or)
(iii) Any Post Graduate degree with M.Phil in Tourism
; (or)
(iv) **Any Post Graduate degree with Diploma in
Tourism**

.....

Provided that other things being equal, preference shall be given to the holders of MBA degree.

Note : I. The educational qualifications prescribed for the post in this recruitment should have been obtained by passing the required qualification in the following order of studies viz., (10th + (HSC / Diploma or its equivalent) + UG Degree + PG Degree) as the case may be as stipulated in Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016

II. Applicants claiming equivalence of qualification to the prescribed qualifications 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 submit it along with the online application,



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W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

falling which, their application will be summarily rejected after due process. The G.O.s issued regarding Exemption for Certificate Course in Computer on Office Automation is available in Annexure-I of this Notification. (Refer also to the Disclaimer annexed to this Notification). The Government Orders regarding equivalence of qualification Issued after the date of this notification will not be accepted”

4.The issue that calls for consideration is whether Post Graduate Diploma in Tourist Management (acquired by the appellants herein) is equivalent to Diploma in Tourism (acquired by the writ petitioners/private respondents herein) which is prescribed in the notification.

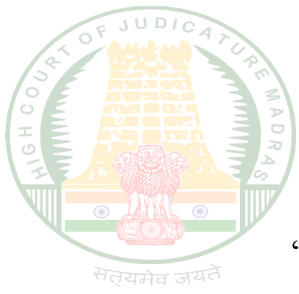
5.It is true that it has been stated that government orders regarding equivalence of qualification issued after the date of notification will not be accepted. But it is not as if Kaleeswaran and Sangeetha have approached the Court on the strength of G.O.(Ms)No.99 dated 29.05.2025. On the other hand, in the perception of recruiting agency ie., TNPSC, P.G. Diploma in Tourism can also be considered as an eligible



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

qualification. It is this perception that stands validated by the recently issued Government Order.

6.Our attention is also drawn to the decision of the Hon'ble Full Bench reported in **2013 SCC OnLine Mad 3625 (vide *Nadar Thanga Shubha Laxman. A v. State of Tamil Nadu*)**. The issue was whether the Equivalence Certificate issued by the Committee constituted by the Government, declaring that the degree obtained from one University is equivalent to the degree obtained from another University is only prospective in operation. The Hon'ble Full Bench answered in the negative and held that the Equivalence Certificate issued by the Committee constituted by the Government declaring that the Degrees obtained from one University is equivalent to the Degrees obtained from another University cannot be held to be only prospective in operation **but will have its effect and validity right from the date of issuance of the degree.** The Hon'ble Full Bench placed reliance on the decision of the Hon'ble Supreme Court reported in **(2012) 3 SCC 129 (vide *Chandrakala Trivedi vs State of Rajasthan*)** in which it was held as follows:



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

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“8. The word “equivalent” must be given a reasonable meaning. By using the expression “equivalent” one means that there are some degrees of flexibility of adjustment which do not lower the stated requirement. There has to be some difference between what is equivalent and what is exact. **Apart from that, after a person is provisionally selected, a certain degree of reasonable expectation of the selection being continued also comes into existence.**

7. In view of the proposition laid down in *Nadar Thanga Shubha Laxman*, we hold that the G.O.(Ms)No.99 dated 29.05.2025 issued by the government would have retrospective effect. Any other interpretation would defeat the accrued/vested right of the the selected candidates without any justification. Since the appellants (Sangeetha and Kaleeswaran) were also provisionally selected, they would have reasonable expectation of the selection being continued.

8. We also went through the respective marks secured by the candidates. While Kaleeswaran and Sangeetha had secured 544 and 533.25 respectively. On the other hand, Vinoth and Amuthavalli had secured only 532 and 507.50 marks respectively.



W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

9.In this view of the matter, the order of the learned Single Judge is

set aside and the writ appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S. J.) & (K.R.S. J.)
17.07.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias/SKM

To:

- 1.The Principal Secretary,
Tourism, Cultural and Religious Endowments Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Secretary,
The Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai - 600 003.
- 3.The Member Secretary,
Tamilnadu State Council for Higher Education,
Lady Willington College Campus,
Kamarajar Salai, Triplicane,
Chennai - 00 005.
- 4.The Controller of Examination,
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W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

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W.A.(MD)Nos.860, 1053, 1054 and 1061 of 2025

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