

WA(MD). No.1586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Date : 02/04/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

WA(MD). No.1586 of 2024
and CMP(MD) No.12415 of 2024

1.The Secretary
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town, Chennai

2.The Controller of Examination
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town, Chennai

... Appellants

v.

1.Maduraiveeran

2.The State of Tamil Nadu
Rep. by its Principal Secretary
Home Department, Secretariat
Chennai 600 009.

3.National Institute of Open Schooling
Rep. By its Regional Director
Lady Wellington Campus
Kamarajar Road, Triplicane
Chennai.

... Respondents



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PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 23.04.2024 in WP(MD). No.9695/2024.

For Appellant : Mr.V.Panneerselvam

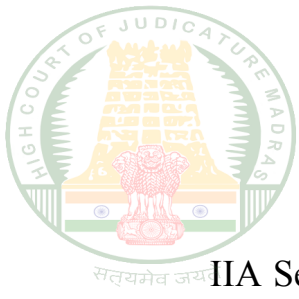
For Respondent : Mr.B.Saravanan
Senior counsel for
M/s.Haroon Rasheed for R1
Mr.J.Ashok for R2&R3
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by S.SRIMATHY,J.)

The writ appeal is directed against the order of the writ Court dated 23.04.2024 passed in WP(MD) No.9695/2024.

2. The writ petition is filed for issuance of Writ of Certiorarified Mandamus to quash the impugned list dated 08.04.2024 and to direct the 1st respondent to include the petitioner's registration number and consequently direct the respondents 2 and 3 to publish the result of the petitioner in the writ examination dated 25.02.2023 to the post of Combined Services Examination – II (Non-Interview Posts) (Group –



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IIA Services) and allow the petitioner to participate in the next selection process.

3. The TNPSC and Controller of Examinations, who are the 2nd and 3rd respondents in the writ petition, had filed the present appeal. In the impugned order, the TNPSC was directed to accept the Diploma Certificate of the writ petitioner and allow him for Certificate Verification. Aggrieved over the same, the present writ appeal is preferred.

4. The writ petition was filed against the rejection of the writ petitioner's candidature. The facts which arose for filing of the writ petition are that pursuant to the notification issued by the appellant in Notification No.3 dated 23.02.2022 for Combined Civil Service Examination – II (Non interview posts), the writ petitioner, being qualified for the said posts, had applied for the same. The writ petitioner had studied his H.S.C. through National Institute of Open Schooling (in short 'NIOS'). While uploading the certificates as per the notification, the



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petitioner had uploaded the equivalence certificate dated 27.07.2013 issued by the Madurai Gandhigram Rural Institute, a Deemed University. However, the equivalence certificate has not been taken into account by the TNPSC and the candidature of the writ petitioner was rejected. Challenging the same, the writ petition was filed.

5. It is his case that after completion of his 10th standard, the petitioner has completed his Diploma in regular stream using his SSLC qualification. Hence, the Writ Court directed the writ petitioner to produce the diploma certificate to the 2nd appellant and the said certificate shall be taken as basic qualification in terms of the notification and directed the 2nd appellant to admit the petitioner for certificate verification. Challenging the order of the writ Court, the appellants are before this Court with this writ appeal.

6. The learned counsel for the appellant Commission assailed the order of the writ Court on the following grounds:

(i) While submitting the application, as per the notification, the



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necessary documents to be uploaded and failure to upload/submit the documents within the stipulated time, will disentitle the candidate;

(ii) As per the notification, the particulars mentioned in the application shall be considered as final and no modification is allowed at any point of time;

(iii) If a candidate claiming equivalence certificate of his qualification, he shall provide the evidence for such a claim in terms of G.O. or through any documents on or before the date of notification;

(iv) However, contrary to the notification, the first respondent produced his 12th certificate, which he had done through NIOS. It is the contention of the appellants that the Government clarified through letter dated 27.02.2018 in letter No.14188/ERT/2014-12 that the certificate for the classes 10th and 12th of NIOS cannot be recognized for appointment/promotion in public services and as per G.O.Ms.No.242 School Education Department dated 21.12.2023 as it is not equivalent to Class 10 and 12 for the purpose of employment and

(v) if any leniency is showed to the writ petitioner, it will only open floodgates and hence, the appellants prayed for interference.



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7. On the other hand, the learned Senior Counsel appearing for the writ petitioner would submit that though the writ petitioner had passed +2 through NIOS, he has completed his Diploma through regular stream, which is equivalent to HSC and hence, the writ Court had rightly considered the case of the petitioner and directed the appellants to admit him for certificate verification. Further submitted that the petitioner's candidature was rejected based on the Government letter dated 27.02.2018 and G.O.Ms.No.242 dated 21.12.2023. But both the letter and the G.O. was issued much after acquiring the essential qualification by the petitioner. Therefore, it cannot be considered retrospectively. Hence, he submitted that no interference is warranted to the case of the writ petitioner.

8. Heard the learned counsel for the appellants, learned Senior counsel for the writ petitioner and the learned Special Government Pleader for the respondents 2 and 3 and perused the materials available

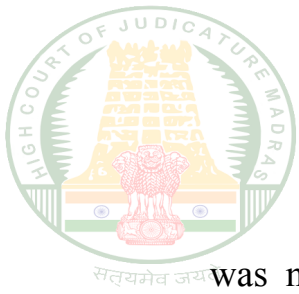


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9. The petitioner had completed his SSLC in the year 2007, Diploma in regular stream from 2007-2010. Thereafter the petitioner had completed Secondary School Examination in the year 2013 through NIOS. Subsequently, he has completed his degree course in the year 2017 through Madurai Kamaraj University.

10. The writ petitioner has completed his 10th standard in regular stream, but completed his 12th standard through NIOS and on the strength of his 10th qualification. Further the petitioner had also completed his diploma in regular stream based on the 10th qualification. Therefore, the petitioner is qualified for the posts either with the qualification of 10th and 12th or with the qualification of 10th and Diploma. The petitioner had obtained equivalence certificate from the Gandhigram Deemed University for 12th which was completed in NOIS. The petitioner had uploaded all certificates including the equivalence certificate. But the petitioner's candidature was rejected since 12th completed under NOIS



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was not considered as equivalent as per the Government letter dated 27.02.2018 and G.O.Ms.No.242 dated 21.12.2023. Hence the Writ Court held to consider the petitioner's candidature based on the 10th and Diploma.

11. But the contention of the appellant that the petitioner had not uploaded the diploma certificate. The petitioner was under the impression that the equivalence certificate issued by Gandhigram is sufficient and hence he had produced the same. Further the petitioner submitted that the G.O.Ms.No.242 declining equivalence was issued subsequently. When declining equivalence was issued subsequently, the Gandhigram certificate had automatically become cancelled. It is under these circumstances, based on the other qualification i.e. 10th and Diploma, the Writ Court had directed to appellant to consider the petitioner's candidature. This Court is of the considered opinion since the declining equivalence was issued subsequently, the petitioner has right to be considered based on Diploma certificate. Therefore, the Writ Court had rightly directed the writ petitioner to submit his diploma certificate



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to the 2nd appellant and on such production, the 2nd appellant was directed to consider the writ petitioner for certificate verification.

12. Therefore, no interference is warranted to the order of the writ Court. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

02.04.2025

NCC : Yes/No
Index : Yes/No
RR

To

1.The Principal Secretary
Home Department, Secretariat
Chennai 600 009.

2.Regional Director
National Institute of Open Schooling
Lady Wellington Campus
Kamarajar Road, Triplicane
Chennai.



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AND
S.SRIMATHY, J.

RR

ORDER
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