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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

<i>Order Reserved On</i>	<i>Order Pronounced On</i>
19.02.2025	18.07.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)Nos. 2511 & 2283 of 2024
and
W.M.P.(MD)No. 16036 of 2024**

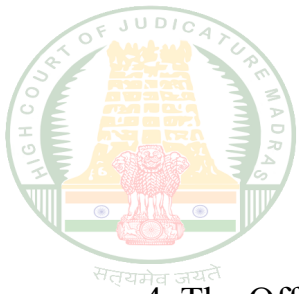
W.A(MD)No. 2511 of 2024

P. Muthukrishnan

... Appellant

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, Park Town,
Chennai - 600 003.
2. The Controller of Examination,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, Park Town, Chennai - 600 003.
3. The President,
Technical Testing Board,
Madras Engineering Group and Centre,
Bangalore.



4. The Officer-In-Charge,
Demob Batter, Artillery Centre,
Nasik Road Camp,
Maharashtra.

5. The Chairman / Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai 600 009.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order in WP(MD). No.5215 of 2023 dated 27.09.2024 on the file of this Court.

For Appellant : Mr.M.Thirunavukkarasu

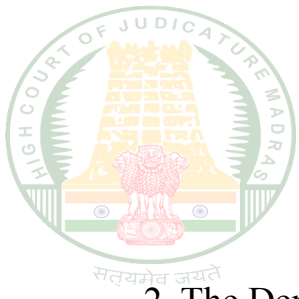
For Respondents : P.Wilson, Senior Counsel for
Mr.V.Panneer Selvam,
Standing Counsel, for R-1 & R-2

Mr.J.Ashok,
Additional Government Pleader, for R-5

: For R-3 and R-4 no appearance

W.A(MD)No.2283 of 2024

1. The Secretary,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, VOC Nagar,
Park Town,
Chennai - 600 003.



2. The Deputy Secretary,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, VOC Nagar,
Park Town,
Chennai - 600 003.

... Appellants

Vs.

1. K.Priyadharshini
2. The State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
Chennai – 09.
3. The Equivalence Committee,
Tamil Nadu State Higher Education Council,
Represented by its Vice Chairman,
Lady Wellington College Campus,
Kamarajar Salai, Triplicane,
Chennai – 600 005.
4. The Registrar,
Sastra University,
Thanjavur – 613 402.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P(MD)No.14848 of 2024 dated 08.07.2024 and allow the present writ appeal.



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For Appellant : Mr.P. Wilson, Senior Counsel for
Mr.V.Panneer Selvam,

For Respondents : M/s.Vidyasagar, for R-1
Mr.J.Ashok,
Additional Government Pleader, for R-2 & R-3
R-4 – No appearance

COMMON JUDGMENT

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

Both the writ appeals are raising same and similar issue, hence both were taken up together and common judgment is passed.

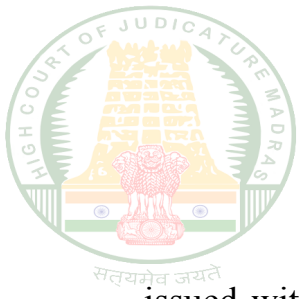
2(i) The W.A.(MD)No.2511 of 2024 is filed by the writ petitioner challenging the order dated 08.03.2023 passed in W.P.(MD)No.5215 of 2023. The writ petition is filed for issuance of a Writ of Mandamus, to direct the respondents to include the name of the petitioner in the ongoing Physical Certificate Verification Process for the post of “Field Surveyor” within the “Ex-Service Man” category, as per the notification No.18 of 2023 dated 29.07.2022 and notification No.18A/2023 dated 14.02.2023 issued by the respondents, on the basis of the petitioner's E-Mail dated 08.03.2023.



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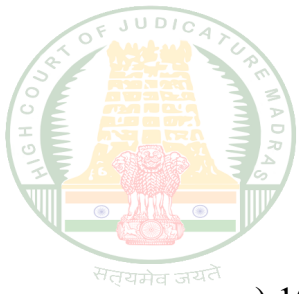
2(ii) The W.A.(MD)No.2283 of 2024 is filed by Tamil Nadu Public Service Commission (TNPSC) challenging the order dated 08.07.2024 passed in W.P.(MD)No.14848 of 2024. The writ petition is filed for issuance for Writ of Certiorarified Mandamus, to quash the impugned order dated 26.06.2024 and to direct the 3rd respondent to treat the petitioner's degree namely B.Com. (Banking Financial Services and Insurance) obtained from the 5th respondent University as equivalent to regular B.Com. and to select the petitioner for the post of Junior Cooperative Auditor Group (Non Interview Post) under the recruitment Notification No.03/2022 dated 23.02.2022 issued by the 2nd respondent Combined Civil Services Examination II (Interview Posts/Non-Interview Post) (Group-II Services/Group-IIA Services).

3. The brief facts as stated in the affidavit filed in W.P.(MD)No.5215 of 2023 are that the petitioner had completed diploma in Electronics Communication Engineering (DECE) in the year 1999, then joined Indian Army on 23.03.2001 as Jawan (GD) - Electrician at Madras Engineering Group (MEG & C, Bangalore). During his army service he joined and studied in the College of Military Engineering at Pune and did Diploma in Architecture Assistantship from 27.04.2009 to 23.04.2011 and completed the said Diploma Course and he was



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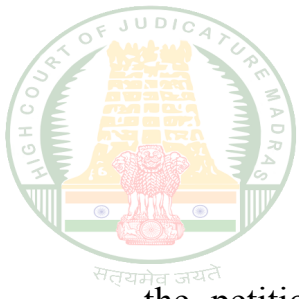
issued with the said Certificate by the Dean, College of Military Engineering at Pune. After completion of his Diploma course, he was relieved from MEG and ordered to join Bengal Engineering Group and Centre (BEG & C), Roorkee, but his parental unit is only MEG & C. The petitioner had completed 20 years of service in Indian Army and retired as Subahdar on 31.05.2021. At the time of his retirement, he was issued with Diploma in Draftsman Estimating and Designing by the Senior Record Officer of Roorkee. Then the petitioner enrolled his name with the Assistant Director of Ex-Servicemen Welfare at Srivilliputhur, Virudhunagar District. In the meanwhile, the 1st respondent has issued Advertisement No.622, Notification No.18/2022 dated 29.07.2022 for the post of Field Surveyor and Draftsman, for the total vacancy of 1089 and subsequently it was increased to 1338 vacancies vide Notification No.18A/2023 dated 14.02.2023. In the notification 5% is reserved for Ex-Service Man Category (ESM) which comes for 66 posts. The petitioner belonged to belonged to BC-Hindu and had applied on 17.08.2022 for the post “Field Surveyor/ Draftsman”, under ESM Category. The petitioner had submitted the application including the certificates and the same was accepted and granted Registration No.1001020073. The details of the certificates are as follows:



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- a) 10th Mark Sheet
- b) Diploma Certificate
- c) Community Certificate
- d) Ex-Service Man Certificate/Gradation certificate
- e) Army Surveyor Trade Certificate
- f) Discharge Book / ID Card

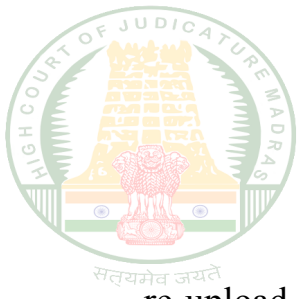
4. The petitioner had received the confirmation status, received Hall Ticket for the Written Examination scheduled on 06.11.2022, the petitioner attended the exam, the result was published on 15.02.2023, the petitioner had scored 166 marks out of 450, assigned the rank as 51st person in over all, within the category of Ex-Service Man (ESM) and was under a fond hope the petitioner would be called for certificate verification. The 1st respondent published the list of eligible candidates for on screen verification on 20.02.2023 and provisional list of on 27.02.2023 for counselling/physical certificate verification, but the petitioner's name was not found in the list. Immediately, the petitioner contacted the respondents' office at Chennai in person but the respondents failed to state no reason. Further the petitioner did not get any independent mail from the respondents for any defects or other reasons. Hence the petitioner had sent E-mail to the respondents on 08.03.2023, which provided for the same, seeking to permit



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the petitioner to participate in the physical verification process, which was scheduled by the respondents on 10.03.2023 & 11.03.2023 [for Ex-Service Man Category (ESM)], but the respondents have not considered his e-mail till date. The contention of the petitioner is that the respondents accepted all the certificates that were uploaded and issued confirmed status for his Registration Number, hence there cannot be any reason for rejected the petitioner candidature. Hence it is not known on what basis the petitioner's registration number was omitted from the Provisional List inspite of his rank as 51 with 166 marks in the overall Ex-Service Man Category for the post of "Field surveyor / draftsman" wherein 66 posts are available. Hence the present writ petition was filed.

5. The respondents had filed counter affidavit in W.P.(MD)No.5215 of 2023 wherein it is stated that the Commission has published a combined Notification No.18/2022, dated 29.07.2022 and No.18A/2023 dated 14.02.2023 for direct recruitment to the post of Field Surveyor and Draftsman included in Tamil Nadu Survey and Land Records Subordinate Service and Surveyor-cum-Assistant Draughtsman in Tamil Nadu Town and Country Planning Subordinate Service. It is further submitted that the applications are invited only through online mode up to 27.08.2022 for the said recruitment and permitted to upload /



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re-upload the documents till twelve days prior to the date of examination i.e. 05.11.2022. The written examination held on 06.11.2022, marks and rank were also published on 15.02.2023. The petitioner register number 1001020073 was included in the list of candidates provisionally admitted to online certificate verification published on 15.02.2023 and the candidates were directed to upload the scanned copy of documents in support of the claims made in their online application from 29.07.2022 to 24.10.2022 through e-seva centres. The Onscreen Certificate Verification was held from 20.02.2023 to 24.02.2023 and published a list of candidates who have been provisionally admitted to Original Certificate verification and Counselling on 20.02.2023 based on the particulars furnished by them in their online application, scanned documents uploaded by the candidates through e-Seva Centres, overall Rank/ Marks obtained by them in the Written Examination and with reference to the Rule of reservation of appointments and Number of vacancies. The Counselling was held from 06.03.2023 to 11.03.2023. The educational qualification for the above said posts are stated in para 5 (B) of the Notification which reads as follows:



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Sl.No.	Name of the Post	Educational Qualification
1.	Field Surveyor In Survey and settlement wing	1. A Diploma in Civil Engineering from any Institute approved by All India Council for Technical Education (or) II. National Trade Certificate In the trade of Surveyor awarded by National Council for Vocational Training (for Surveyor) (or) III. A Certificate In Army Trade Surveyor (field) Issued by Madras Engineering Group.
2.	Draftsman In Survey and settlement wing	1. A Diploma in Civil Engineering from any Institute approved by All India Council for Technical Education (or) II. National Trade Certificate in the trade of Draftsman (Civil) awarded by National Council for Vocational Training (for Draftsman) (or) III. A Certificate In Army Trade Draftsman (field) Issued by Madras Engineering Group.



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3.	Surveyor-cum-Assistant Draughtsman in Tamil Nadu Town and Country Planning Department	a. A pass in the Draughtsman ship (Civil) course under the revised syllabus introduced from July 1952, conducted by the Government of India, Ministry of Labour; or b. A certificate In Army Trade Draughtsman (Field) Issued by the President, Technical Testing Board, Madras Engineering Group and Centre; or c. A certificate In Draughtsman (Civil) issued by the Craftsman Training Centre; or d. The National Trade Certificate of Draftsman (Civil) Trade or Surveyor Trade awarded by the national council for training in vocational Trades, Government of India through Industrial Training Institute and Completion of successful training in apprenticeship under the Apprentices Act 1961; or e. Must possess a Diploma in Civil Engineering.
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6. During the Onscreen Certificate verification, the application of the petitioner candidate was rejected for not having uploaded the prescribed educational qualification certificate in support of his online application claim of Diploma with major subject as “certificate in Army Trade Draftsman (Filed)” issued by Madras Engineering Group. Whereas he has uploaded "Diploma course in Architecture Assistantship" Mark sheets and also uploaded "Electronics and



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"Communication Engineering" Diploma Mark sheets only. This qualification is not mentioned in the Notification. The alert message has already been sent to the petitioner through e-mail with instruction to upload the required documents properly as stipulated in the notification before the conduct of Examination in pursuance of the lapse found in the uploading of documents by the petitioner during prima facie verification / preliminary verification. But the petitioner failed to produce / upload even after 72 days, hence the application was rejected based on instructions in para 13 (1) and 13 (L) of the Notification reads as follows:

13(1) 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 the documents at the time of submission of online application will entail rejection of application after due process.

13(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.

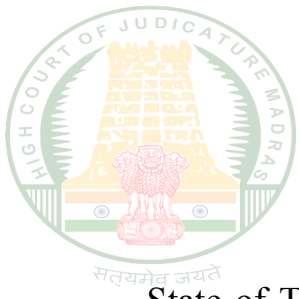


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7. Further there is a provision available in One Time Registration Dashboard in order to verify the Certificates uploaded by the candidates. If any of the certificates are wrongly uploaded or not uploaded, the same should be uploaded within the last date prescribed for the Certificate upload. It is the responsibility of the candidate to ensure the correctness of the certificates uploaded through e-seva centres. The TNPSC is not responsible for any lapse in uploading of certificates. The said Instructions were incorporated in the acknowledgement issued by the e-seva centres towards certificates uploaded. It is further submitted that for the said post Tamil Nadu Public Service Commission has reserved one post as per the Hon'ble Court ordered dated 10.03.2023 in W.P. (MD)No.5215 of 2023 filed by the petitioner as follows:

"Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representation dated 28.02.2023 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order"

From the above submissions it is known that the petitioner has infringed the instructions of the Notification of Commission and the Apex Court in its judgment dated 28.08.2019 passed in Civil Appeal No.6669 of 2019 filed by the



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State of Tamil Nadu & Others Vs G.Hemalatha has endorsed the Commission's

Instructions and categorically held as follows:-

"The Instructions Issued by the Commission are mandatory, having the force of law and they have to be strictly complied with strict adherence to the terms and conditions of the Instructions is of paramount Importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the instructions issued by the Commission."

The Hon'ble High Court of Madras in its judgment dated 15.12.2022 passed in W.P.Nos.27754 and 23316 of 2021 filed by the Petitioner B.Lalitha Vs The Secretary, Tamil Nadu Public Service Commission has stated as follows:

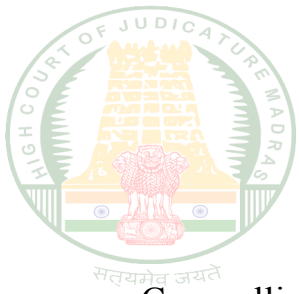
"That the relaxation of the terms and conditions of a recruitment notification cannot be granted by this Court while exercising powers under Article 226 of the Constitution of India when the recruitment notification does not provide for any such a relaxation."

8. After considering the rival contentions, the Writ Court dismissed the petition. Aggrieved over the same, the writ petitioner had preferred the present writ appeal in W.A.(MD)No.2511 of 2024.



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9. The brief facts as stated in the affidavit filed in W.P.(MD)No. 14848 of 2024 are that the petitioner had completed the school studies in the year 2018 and registered in Tamilnadu Employment and Training Department, Trichy District Employment Office. Then in the year 2021 obtained Bachelor of Commerce, Honors Degree in Banking, Financial Services and Insurance from SASTRA Deemed University, Thanjavur. During the above course she had completed nearly 42 programs and one project and cleared the exams by securing 81.5% marks in First Class. In the meanwhile, the 2nd respondent had issued Notification No.03/2022 dated 23.02.2022 for direct recruitment to the posts included in Combined Civil Services Examination II (Interview Posts/Non-Interview Posts) (Group-II Services/Group-IIA Services). The petitioner had applied for the post of Junior Co-operative Auditor (Non-Interview post) and she submitted all the relevant documents along with the application. After scrutinizing the application, the respondent issued hall ticket with registration number 2501067322 for the preliminary examination which was scheduled to be held on 21.05.2022 and the petitioner had attended the exam and obtained the required marks in the preliminary examination. Then the petitioner received hall ticket for written examination held on 25.02.2023 and the petitioner was qualified, hence the 4th respondent issued call letter dated 30.05.2024 for Certificate Verification /

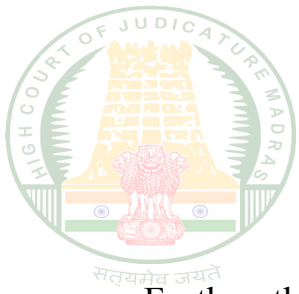


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Counselling scheduled on 12.06.2024 before the 2nd respondent office and the petitioner appeared with all her educational and other relevant records. After verification the examiner informed that the petitioner may not be eligible for the post of Junior Co-operative Auditor since the petitioner did not possess a Regular/ General Bachelor of Commerce Degree as approved by the UGC and the petitioner's degree of B.Com. in Banking, Financial services and Insurance will not be considered as eligible for the post of Junior Co-operative Auditor since the notification does not denote the above degree specifically. As per the notification no.03/2022 dated 23.02.2022, the 2nd respondent has stated that the qualification required for the post of Junior Co-operative Auditor is that

“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”.

10. The contention of the petitioner as per the above notification any person holding a B.Com. degree would be eligible for the post of Junior Co-operative Auditor, since the petitioner is having a degree of B.Com. in Banking, Financial services and Insurance, which is no way inferior to the general/regular B.Com. degree and hence eligible for the post of Junior Co-operative Auditor.



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Further the same course namely B.Com. (Banking and Insurance) from other universities are considered to be equivalent to the B.Com. Degree. When the respondent failed to accept the above contention, the petitioner approached the 5th respondent University wherein a certificate dated 14.06.2024 was issued certifying the B.Com. (Banking, Financial services and Insurance) degree is equivalent to the regular B.Com. Program and the same was approved by the University Grants Commission. The petitioner approached the respondents with the aforesaid certificate, but the 2nd respondent sought a Government Order. On 19.06.2024 the petitioner submitted a representation to the respondents for verifying the certificates and to treat her B.Com. (Banking, Financial services and Insurance) equivalent to the General B.Com. degree, but there was no response. In the meanwhile, the 4th respondent rejected the application vide the impugned order dated 26.06.2024 in Memorandum No.271/PSD- A2/2022 stating that the petitioner failed to produce the equivalence certificates at the time of physical certificate verification. The said order is passed without notice hence the same is unsustainable and in violation of principles of natural justice. Further the petitioner submitted representation dated 29.06.2024 to the 3rd respondent to declare the equivalence of her degree to regular B.Com., but the same was not considered by the 3rd respondent. In the meanwhile, the 4th respondent issued



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order stating that she was not eligible to be considered for the post of the Junior Co-operative Auditor. Hence the writ petition.

11. The writ petition was disposed of in the admission stage itself. After hearing the submissions of the petitioner, the Writ Court quashed the impugned order dated 26.06.2024 and consequently directed the concerned Equivalence Committee to consider the application submitted by the petitioner seeking equivalence on merits and pass appropriate orders in accordance with law, within a period of two weeks. Aggrieved over the same, the TNPSC had preferred W.A.(MD)No.2283 of 2024.

12. Heard Mr.M.Thirunavukkarasu, the Learned Counsel appearing for the appellant in W.A.(MD)No.2511 of 2024, M/s.Vidyasagar, the Learned Counsel appearing for the 1st respondent / writ petitioner in W.A.(MD)No.2283 of 2024, P.Wilson, the Learned Senior Counsel for Mr.V.Panneer Selvam appearing for respondents 1 and 2 in W.A.(MD)No.2511 of 2024 and appellants in W.A.(MD)No.2283 of 2024, Mr.J.Ashok, the Learned Additional Government Pleader appearing for 5th respondent in W.A.(MD)No.2511 of 2024 and respondents 4 and 5 in W.A.(MD)No.2283 of 2024 and perused the documents.

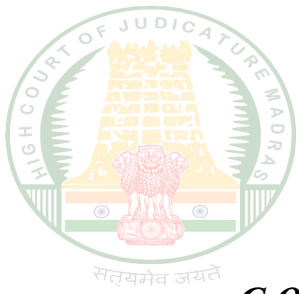


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13. The primary contention of the writ petitioners is that the writ petitioners are having the qualification which is equivalent to the qualification prescribed in the notification. The equivalency was also declared in G.O.Ms.No. 130 Higher Education (K1) Department dated 24.07.2024 (for P.Muthukrishnan) and G.O.Ms.No.178 Higher Education (K1) Department dated 07.10.2024 (for Priyadharshani). On perusing the said G.O.'s the qualification is declared as equivalent and the same is extracted hereunder:

G.O.Ms.No.130:

Sl. No.	Item No.	Subject	Equivalency Qualification Recommendations
5	6	Public Services – Educational Qualification – Consideration of Diploma in Architecture Assistantship offered by College of Military Engineering, Pune as to whether equivalent to Diploma in Civil Engineering offered by Directorate of Technical Education, Tamil Nadu for the purpose of employment in Public Services	Equivalent



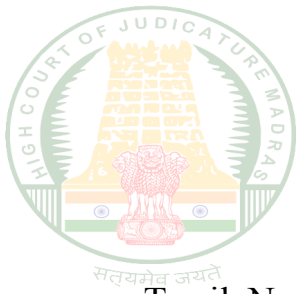
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G.O.Ms.No.178:

Sl. No	Item No.	Subjects	Equivalence Committee Recommendations
3	7	Public Services – Educational Qualification – Consideration of B.Com. (Hons.) (Banking Financial Services and Insurance) offered by SASTRA (Deemed to be University) s to whether equivalent to B.Com. for the purpose of employment in Public Services	Equivalent

It is seen that the government had constituted the committee and the committee has declared the same as equivalent. Thereafter the government had accepted the recommendations and issued G.O.Ms.No.130 and G.O.Ms.No.178 and then the TNPSC cannot entertain the question as to whether the subject is equivalent or not. Further, the TNPSC ought to consider the writ petitioners' claim.

14. The contention of the TNPSC is that on the date of filing the online application the government has not granted any equivalence certificate and the said G.O.Ms.No.130 and G.O.Ms.No.178 are applicable only prospectively. The issue of prospective and retrospective applicability is already considered by the Hon'ble Full Bench in the case of Nadar Thanga Shubha Laxman Vs. State of



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Tamil Nadu reported in 2014 (3) CTC 433 wherein it is held declaration of equivalence would date back to the date of acquisition of the degree and hence there is no question of prospective or retrospective. The relevant paragraph is extracted hereunder:

.....

“22. The above observation of the Apex Court clearly answers the doubt raised in this Reference that a right whether inchoate or accrued or acquired right can be held to be protected, provided the right survives. In the light of the said principle, if the case on hand is considered, admittedly, the equivalence committee has considered and approved the equivalent nature of the degree and certificate obtained by the candidates. Similarly, the Government Order issued by the Government also agrees with the validity of the degree, therefore, from the date the degree was obtained by the candidate, the right is accrued, hence the same should be protected. While so, giving a different meaning that the validity of the degree will have prospective effect or retrospective effect is uncalled for. To make it even further clear, we wish to mention at the risk of repetition that when both the equivalence committee and the Government Order issued by the State Government have not chosen to restrict the validity of the degree obtained in any one of their orders, it goes without saying that the validity of the degree from the date of acquisition will stand to benefit the candidates, therefore, the



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question of introducing the prospective or retrospective ruling will tantamount to violent interpretation against the settled legal position. In this context, it is useful to refer to the judgment of the Apex Court in the case of [B.S.Vadera vs. Union of India](#) reported in AIR 1969 SC 118, wherein, the law is well declared that an accrued and acquired right of a person cannot be taken away with retrospective effect.”

Therefore, the contention of the TNPSC is rejected. The equivalence certificate granted in G.O.Ms.No.130 dated 24.07.2024 is dated back to the date of acquiring the degree i.e. on 23.04.2011. And the G.O.Ms.No.178 dated 07.10.2024 is dated back to the date of acquiring the degree i.e. in June 2021

15. The next contention of the respondent is that the notification has categorically stated as on the date of filing the online application the candidate should possess all the certificates, since the appellant was not possessing the equivalency certificate as on the date of filing the online application then the application of the appellant is liable to be rejected. The said contention was raised before the Writ Court wherein the Writ Court concurred that the equivalency certificate would date back to the date of completion of degree. But has held that the candidate was not in possession of such certificate at the time of filing online application, but obtained on a later date then the same cannot be accepted. Further



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held if relaxation is granted then it has to be given publicity and ought to grant opportunity to all. And had relied on the judgment rendered in the case of Bedanga Talukdar Vs. Saifudaullah Khan and others reported in (2011) 12 SCC 85, wherein it is held the power of relaxation, if exercised has to be given due publicity in order to ensure the other candidates who become eligible due to the relaxation gets an opportunity. The relevant portion is extracted hereunder:

.....

“29. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any



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condition in advertisement without due publication would be contrary to the mandate of quality contained in Articles 14 and 16 of the Constitution of India.”

16. In the referred case the candidate was seeking to grant relaxation for producing belated certificate for “locomotive disability”, hence the Hon’ble Supreme Court held that opportunity ought to be granted to general public again. This Court is of the considered opinion that the candidate seeking post under reservation ought to produce the reservation certificate and the same is within the hands of the candidate. But equivalency certificate is purely dependant on the government to declare equivalency and the same is not within the reach of the individual candidate. Further as and when the notification for recruitment is issued then only the issue of equivalency arises. The belated granting of equivalency certificate by the government cannot be fasten on the candidates. Therefore, the Bedanga Talukdar case cannot be equated and compared with the facts of the present case. Hence the said judgment in Bedanga Talukdar is not applicable to the equivalency certificate issue. Furthermore, the order passed in Bedanga Talukdar is in the year 2011 but the order passed in Full Bench is in the year 2014 and the Full Bench order is subsequent. Therefore, the deeming effect granted in the Hon’ble Full Bench would prevail.



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17. The issue of belated issuance of equivalency certificate is recurring issue. If the institutions obtaining equivalency certificate on the day of starting the course, then the issue would not arise. If followed the candidates who have put their hard work may not be affected. Especially the Ex-Serviceman who had retired from army at the age of 40 with qualifications and seeking civilian job at the age of 42 would not be affected. The government and the educational institutions ought to take steps in this regard.

18. With the above observations and directions, the W.A(MD)No. 2511 of 2024 is allowed and the order passed in W.P.(MD)No.5215 of 2023 is set aside. And the W.A(MD)No.2283 of 2024 is dismissed and the order passed in W.P.(MD)No.14848 of 2024 is confirmed. No costs. Connected Miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
18.07.2025

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

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To:

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai -600 003.
2. The Deputy Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai -600 003.
3. The State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
Chennai -09.
4. The Equivalence Committee,
Tamil Nadu State Higher Education Council,
Represented by its Vice Chairman,
Lady Wellington College Campus,
Kamarajar Salai, Triplicane,
Chennai-600 005.
5. The Controller of Examination,
Tamil Nadu Public Service Commission (TNPSC),
TNPSC Road, Park Town,
Chennai -600 003.
6. The President,
Technical Testing Board,
Madras Engineering Group and Centre,
Bangalore.



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- 7.The Officer-in-charge,
Demob Batter, Artillery Centre,
Nasik Road Camp,
Maharashtra.
- 8.The Chairman/Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai -600 009.



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J.NISHA BANU, J.

and

S.SRIMATHY, J.

KSA

Judgment made in
W.A(MD)Nos.2511 & 2283 of 2024

18.07.2025