



ORDER

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The writ petitioner challenges the proceedings No.7777/PD-E1/2014, dated 26.08.2015, issued by the respondent – Tamil Nadu Public Service Commission (hereinafter referred to as “TNPSC” for the sake of brevity and convenience), whereby the claim of the petitioner for promotion to the post of Under Secretary was rejected.

2. After completing S.S.L.C., the petitioner was appointed as a Typist in March 1977 on a temporary basis. Her services were regularised on 25.06.1984, and she was promoted to the post of Assistant in the year 1995. Subsequently, G.O.Ms.No.7, Personnel and Administrative Reforms (M) Department, dated 04.01.1996, was issued by the Government, by which the post of Assistant was redesignated as Assistant Section Officer. In the year 1998, the petitioner obtained an M.A. degree without completing the +2 course and without possessing an undergraduate degree. The petitioner was promoted to the post of Section Officer on 19.02.2007.

3. G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 18.08.2009, was issued by the Government, prescribing 10+2+3 as the requisite qualification for promotion to the post of Under Secretary. The petitioner completed a two-year Foundation Course in May 2010 and thereafter obtained a B.A. degree through distance education in May 2013. Subsequently,



the respondent drew up the panel for promotion to the post of Under Secretary.

However, the petitioner's name was not included in the said panel/impugned proceedings, which necessitated her to approach this Court by filing the present writ petition.

4. Mr.M.Muthappan, learned counsel for the petitioner, submitted that as per G.O.Ms.No.107, dated 18.08.2009, which was subsequently incorporated as Rule 19 of the Tamil Nadu State Subordinate Service Rules, the qualification prescribed for recruitment by transfer to the post of Under Secretary is 10+2+3. Since the petitioner possessed the said qualification as on the relevant date, the denial of her claim is arbitrary, discriminatory, and violative of Articles 14 and 16 of the Constitution of India.

5. Learned counsel further submitted that the two-year Foundation Course completed by the petitioner is treated as equivalent to the Higher Secondary (+2) course, as per G.O.Ms.No.219, Personnel and Administrative Reforms Department, dated 30.03.1988. Therefore, the contention of TNPSC that the Foundation Course is not equivalent to +2 is untenable. In support of his submissions, learned counsel placed reliance on the judgment of a Division Bench of this Court in W.A.No.1372 of 2013, dated 12.07.2015.

6. Per contra, Mr. B. Vijay, learned Standing Counsel for TNPSC, submitted that the petitioner does not possess the requisite qualification for promotion to the post of Under Secretary. According to him, the petitioner obtained her degrees in a reverse pattern, contrary to the Government Orders



and Rules in force as on the date when the panel was drawn, and therefore such qualifications cannot be recognised for the purpose of promotion. In support of his contention, he placed reliance on the decision of a coordinate Bench of this Court in *R. Thirunavukkarasu v. State of Tamil Nadu*, 2012 (5) CTC 129.

7. The arguments advanced by the learned counsel on either side and the materials placed before this Court have been carefully considered.

8. The facts relating to the acquisition of qualifications are not in dispute. The petitioner obtained a post-graduate degree in 1998, completed a two-year Foundation Course in 2010, and obtained a B.A. (History) degree in 2013. While the petitioner was serving as Assistant, TNPSC issued proceedings No.1383/PD-A1/96, dated 23.02.1996, stipulating that no person shall be eligible for appointment to the post of Deputy Secretary or Under Secretary after five years from 04.01.1996 unless he or she possesses a degree qualification. The proviso further required those appointed or promoted without a degree to acquire the same within five years, failing which they would not be eligible to draw increments. Similar conditions were imposed for posts including Assistant, Personal Clerk, Assistant Section Officer, Accountant, and Section Officer.

9. As the petitioner did not possess a degree qualification at the relevant time, she completed a two-year Foundation Course from Annamalai University. The Government of Tamil Nadu, by G.O.Ms.No.219, Personnel and Administrative Reforms Department, dated 30.03.1988, treated the said



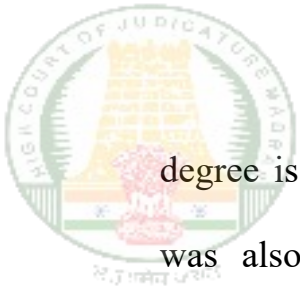
Foundation Course as equivalent to the Higher Secondary (+2) course for the purpose of entry into public services in the State. Thereafter, the petitioner completed her B.A. degree in May 2013 through distance education. The panel for recruitment to the post of Under Secretary by way of transfer was drawn on 26.08.2015, and as on that date, the petitioner possessed a degree.

10. G.O.Ms.No.107, dated 18.08.2009, which was later incorporated as Rule 19 of the Tamil Nadu State Subordinate Service Rules, prescribed that for recruitment to the post of Under Secretary by transfer, the candidate must possess a degree obtained after completion of S.S.L.C. and Higher Secondary (+2) in the 10+2+3 pattern.

11. The contention of TNPSC is that the petitioner, having obtained her degree in a reverse pattern, is not eligible for recruitment by transfer, and that such reverse pattern qualifications are not recognised by TNPSC, as held in various decisions of this Court.

12. A Division Bench of this Court in The Chairman, Teachers Recruitment Board v. V. Kanimozhi, 2014 (8) MLJ 344, held that acquisition of +2 qualification after obtaining a degree does not satisfy the requirements of G.O.Ms.No.107, dated 18.08.2009, and that any other interpretation would amount to re-writing the Government Order.

13. Another Division Bench in The Chairman, Teachers Recruitment Board v. A. Valarmathi, MANU/TN/4887/2018, reiterated that recognition of a



degree is different from eligibility criteria fixed under service rules. Reliance was also placed on the decision in R. Thirunavukkarasu (supra), which emphasised the necessity of completing 12 years of schooling prior to obtaining a degree.

14. In the present case, though the petitioner had obtained a post-graduate degree prior to acquiring an undergraduate degree, the qualification prescribed for recruitment to the post of Under Secretary is only a degree and not a post-graduate degree. The petitioner admittedly obtained a B.A. degree in the 10+2+3 pattern from a recognised university prior to the drawing up of the panel. Hence, her qualification cannot be termed as one obtained in a reverse pattern. The decisions relied upon by TNPSC are therefore distinguishable on facts.

15. At this stage, learned Standing Counsel for TNPSC brought to the notice of this Court G.O.Ms.No.144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017, whereby G.O.Ms.No.219, dated 30.03.1988, was withdrawn. However, the said withdrawal is prospective in nature. Since the panel was drawn on 26.08.2015, the subsequent Government Order cannot divest the petitioner of the vested right that had already accrued to her.

16. In view of the foregoing discussion, this Court is of the considered view that the petitioner acquired her degree in a regular pattern and that the two-year Foundation Course completed by her was validly treated as equivalent to



Higher Secondary (+2) as per the Government Order in force on the relevant date.

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17. Accordingly, this Writ Petition is allowed and the impugned proceedings No.7777/PD-E1/2014, dated 26.08.2015, are quashed. The respondent – TNPSC is directed to recruit the petitioner to the post of Under Secretary by way of transfer notionally with effect from the panel year 2015, with all attendant and consequential benefits, but without arrears of salary. The petitioner is at liberty to submit a suitable representation to the concerned Government Department for revision of pension and other pensionary benefits flowing from this order, which shall be considered in accordance with law. No costs. Consequently, the connected W.M.P.No.25026 of 2016 is closed.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DIXIT

To
The Secretary
Tamil Nadu Public Service Commission,
Chennai-3.



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WP No. 28951 of 2



HEMANT CHANDANGOUDAR, J.

DIXIT

WP No. 28951 of 2016

28-01-2026