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WA Nos. 3782 of 2024
and 3795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 3782 and 3795 of 2025
and CMP Nos. 31325, 29715, 29711 and 30214 of 2025**

W.A.No.3782 of 2025

A. Mathiyazhagan
S/o.A.Anbazhagan, No.256, North Street,
Sembadakurichi, Kallakurichi District - 606 207.

..Appellant

Vs

1. M. Ellappan
S/o. Muniyappan, No.1/202, Kattuvalavu,
Edappadi, Vempaneri Post, Dharampuram,
Salem Dt – 105.
2. T.Balamurugan
S/O.Thirunavukarasu, No.13/2, Thiyagibalu
2nd Street Visalam, Sellur, Thallakulam Post,
Maduria North, Madurai District-625 002.
3. S.Surya Prakash
S/O.Sethuraman, A-6, Mill Colony, New Jail
Colony, Arasaradi Post, Madurai North,
Madurai District-625 016
4. The State Of Tamil Nadu
Rep. By Its Secretary To Government,
Revenue And Disaster Management
Department Survey And Settlement Wing Ss4
(2) Section, Fort St George, Chennai-600 009.



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5. The Tamil Nadu Public Service Commission
Rep. By Its Secretary TnpSC Road, Voc Nagar,
Park Town, Chennai-600 003.

..Respondents

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1. P.V. Shivaranjani
D/o. P.Vasudevan, No. 28, MNP Street,
Thandalam Village, Kumpinipet Post,
Arakonam Taluk Vellore-631003.
2. R.Periyamaruthu
S/o. A.Radhakrishnan, No. 36, Manmathan
Kovil Street, Veerattagaram, Deviagaram,
Kallakurichi-605766.

..Appellants

Vs

1. M.Ellappan
S/o. Muniyappan, No. 1/202 Kattuvalavu,
Edappadi, Vempaneri Post, Dharapuram,
Salem District-637105.
2. T.Balamurugan
S/o. Thirunavukarasu, No. 132, Thiyagibalu
2nd Street, Visalam Sellur, Thallakulam Post,
Madurai North, Madurai District 625 002.
3. S.Surya Prakash
S/o. Sethuraman, A-6 Mill Colony, New Jail
Colony, Arasaradi Post, Madurai North,
Madurai North District 625 016.



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4. The State of Tamil Nadu
Rep. by its Secretary To Government,
Revenue and Disaster Managment
Department, Survey and Settlement Wing
SS4(2) Section, Fort St George, Chennai-9.
5. The Tamil Nadu Public Service Commission
Rep. by its Secretary, TNPSC Road, VOC
Nagar, Park Town, Chennai-3

..Respondents

Prayer in WA No. 3782 of 2024 : Writ Appeal under Clause XV of the Letters Patent to set aside the order passed in WP No.26608 of 2024 dated 06.11.2024.

Prayer in WA No. 3795 of 2025 : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 06.11.2024 made in WP No.26608/2024.

For Appellants :	Mr.R.Singaravelan Senior Counsel for Mr.V.S.Jagadeesan (in W.A.3782 of 2024) Mr.K.Sathish Kumar (in W.A.3795 of 2025)
For Respondents in both Writ Appeals :	Mrs.Nalini Chidambaram, Senior Counsel for Mrs.C.Uma for RR 1 to 3 Mr.R.Sankar, Government Counsel – for R4 Mr.B.Vijay Standing Counsel for TNPSC – for R5



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Common Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 06.11.2024 made in W.P.No.26608 of 2024.

2. The present intra court appeals under Clause XV of the Letters Patent have been instituted by the third party, who all are not party to the writ proceedings before the learned Single Judge. Respondents 1 to 3 filed the writ petition seeking a relief of declaration to declare Advertisement No.692, Notification No.11 of 2024 dated 13.08.2024 issued by Tamil Nadu Public Service Commission for recruitment to various posts in Combined Technical Services Examination (Diploma / ITI level) is null and void. Respondents 1 to 3 have mainly challenged the scheme of examination for the posts of Draftsman, Field Surveyor and Surveyor-cum-Assistant Draftsman.

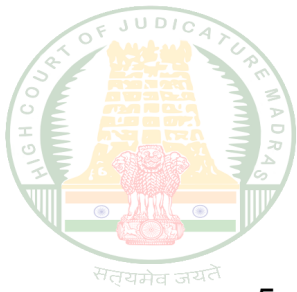
3. The scheme of examination would show that standard of examination at the diploma level and ITI level will be undertaken for selection of candidates for the combined technical services examination. Pertinently, both the diploma as well as ITI candidates became eligible to participate in the process of selection. In this context, the writ Court held that diploma is three years



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course and ITI is either one year or two years course. Thus, both the qualifications cannot be equated and in the event of conducting examination at the diploma level, then the ITI holders will be deprived from securing selection, since there is no level playing field amongst these two categories of candidates possessing diploma and ITI. On that score, the writ court disposed of the writ petition, directing the Tamil Nadu Public Service Commission (hereinafter referred to as 'TNPSC') to conduct examination at the ITI level for all the candidates by issuing an addendum to the original recruitment notification dated 13.08.2024.

4. Admittedly, the order impugned passed by the writ court was implemented by the TNPSC. Addendum for Combined Technical Services Examination was notified on 11.11.2024. Accordingly, ITI level examination was prescribed both for the diploma candidates as well as ITI candidates. In other words, all the candidates were permitted to write examination at the ITI level. After conduct of examination by the TNPSC, the candidates who all are not party to the writ petition, by obtaining leave from this court, filed the present appeals. The appellants also participated in the written examinations. On account of an interim order passed in these appeals, the results are not declared and kept in a sealed cover.

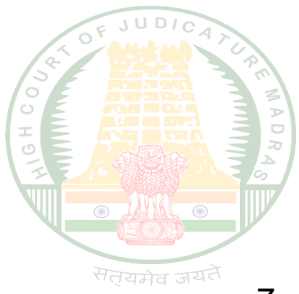


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5. Learned Senior Counsel Mr.R.Singaravelan appearing on behalf of the appellant in W.A.No.3782 of 2024 would mainly contend that there is no level playing field, as ITI holders and diploma holders cannot be equated. Unequals are treated equally, which is unconstitutional. The scheme of examination originally notified ought to have been conducted by the TNPSC. The writ order issuing a direction to conduct uniform examination at the ITI level would deprive the ITI candidates since diploma and degree candidates will be in a better position to pass the examination, thereby depriving the opportunity of the ITI candidates. He would rely on the judgment of the Hon'ble Supreme Court by stating that candidates possessing higher qualification should not be considered for lower posts. On that score, the B.E., degree holders should not be considered for selection to those posts to which the qualification prescribed is either diploma or ITI.

6. Learned Senior Counsel would further contend that it is more about public interest and the scheme of examination conducted by the TNPSC is not in consonance with the constitutional scheme for providing equal opportunity in public employment and thus the writ order which is passed for issuing the addendum is to be set aside.



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7. Mr.Sathish Kumar appearing for the appellants in W.A.No.3795 of 2025 would also support the arguments advanced by the learned Senior Counsel Mr.R.Singaravelan and would submit that the addendum issued pursuance to the impugned writ order is not in consonance with the constitutional mandate and that apart, the candidates were not parties to the writ proceedings and thus the writ order is to be set aside.

8. Learned counsel for the Tamil Nadu Public Service Commission (TNPSC) Mr.B.Vijay would oppose by stating that initially notification dated 13.08.2024 prescribed the scheme of examination, wherein both diploma level standard as well as ITI level standard were prescribed for written examination. However, in the impugned order, the writ Court held that in the event of conducting diploma level examination, the ITI holders will be deprived. Therefore uniform ITI level examination is to be conducted for all the candidates so as to maintain level playing field amongst the candidates.

9. Learned Senior Counsel Mrs.Nalini Chidambaram would support the writ order impugned by stating that the writ petition has been filed mainly on the ground that two different standards are prescribed for written examination, which would result in causing prejudice to the interest of the candidates who



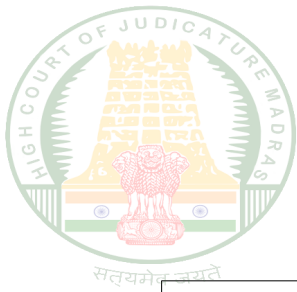
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possessed diploma or ITI qualification. Mitigating circumstances arose which resulted in filing of the writ petition and the writ Court considered the issues and held that the standard of examination must be at the ITI level for all the candidates to eliminate any discrepancy amongst the differently qualified persons in the written examination.

10. The arguments as advanced between the parties to the lis are considered.

11. The process of recruitment is undertaken by the TNPSC based on the educational qualifications fixed for the post under the relevant service rules. In the present case, Special Rules for Tamil Nadu Survey and Land Records Subordinate Services prescribes qualifications for direct recruitment to the post of Field Surveyor and Draftsman. The qualifications prescribed for the posts are as under:

<i>Post</i>	<i>Qualification</i>
<i>Category 4 - Field Surveyor</i>	<i>(i) Diploma in Civil Engineering from any institute approved by All India Council for Technical Education (or)</i> <i>(ii) National Trade Certificate in the trade of Surveyor awarded by National Council for Vocational Training (for Surveyor) (or)</i>



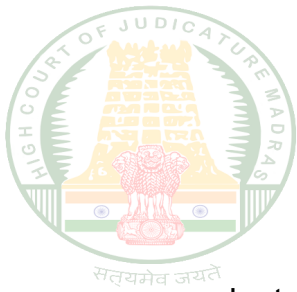
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	<i>(iii) A Certificate in Army Trade Surveyor (field) issued by Madras Engineering Group.</i>
<i>Category 7 - Draftsman</i>	<i>(i) Diploma in Civil Engineering from any institute approved by All India Council for Technical Education (or)</i> <i>(ii) National Trade Certificate in the trade of Draftsman (Civil) awarded by National Council for Vocational Training (for Draftsman) (or)</i> <i>(iii) A Certificate in Army Trade Surveyor (field) issued by Madras Engineering Group.</i>

12. In pursuance to the qualifications prescribed under the relevant rules, the recruitment notification came to be issued on 13.08.2024. Since both diploma holders and ITI holders are eligible for the same post, TNPSC initially provided two standards in the scheme of examination for different papers, one at diploma level standard and other at ITI level standard.

13. The notification would show that in respect of diploma holders, diploma standard question papers are prepared and for ITI holders, ITI standard question papers are prepared. Based on the marks secured, the process of selection will be undertaken. However, the writ Court found that the prescription of two standards of written examination for the same post would result in causing prejudice to one set of candidates and directed the TNPSC to



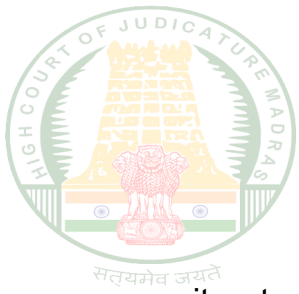
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conduct examination in single pattern ie., ITI standard pattern by prescribing common syllabus so as to eliminate the two different standard of examination for recruitment to the same post.

14. Accordingly, the consequential addendum to the recruitment notification was issued in Notification No.11B/2024 dated 11.11.2024 and written examinations were conducted at ITI standard for all the candidates and the selection list is kept in a sealed cover.

15. Pertinently, neither the addendum issued for maintenance of uniform ITI standard examination, nor the Service Rules applicable to the posts prescribing both diploma as well as ITI qualification are under challenge before this Court. When the Service Rules are not under challenge and it prescribes both diploma and ITI holders are eligible for selection and appointment to the post of Field Surveyor and Draftsman and Surveyor-cum-Assistant Draftsman, then both set of candidates are to be treated as homogenous class for the purpose of selection and appointment.

16. As far as the recruitment notification is concerned, no maximum qualification has been prescribed. No doubt, the constitutional courts have



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reiterated the principle that higher qualified candidate should not be appointed to a lower post, wherein the qualification prescribed is lesser. The said principle is to be followed while issuing the recruitment notification. Since in the subject recruitment notification, no such disqualification is contemplated by prescribing maximum qualification for the post and since the selection list is yet to be published, this Court is not in a position to consider the said issue. However, the recruitment notification states that, “Other things being equal, preference shall be given to (a) candidates with Industrial Training Institute qualification in survey (b) Demobilized persons from any of the defense services.”

17. Therefore, the recruitment notification contemplates preference to ITI candidates and for demobilized persons for the post of Field Surveyor. However, when the Service Rules contemplates two qualifications for the post, Court cannot distinguish the candidates based on the qualification and therefore, both diploma and ITI holders are eligible to participate in the process of selection and regarding the higher qualified persons, the competent authority, while undertaking the process may consider the Rule as stated above for giving preference to the ITI holders when other things being equal.



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18. That apart, the appellants have participated in the written examination. They have not challenged the addendum issued regarding the scheme of examination, which was conducted in pursuance to the order of the learned Single Judge in the writ petition. At this juncture, any intervention would cause prejudice to the candidates, including the appellants, who participated in the process of selection. That apart, the arguments advanced regarding prescription of maximum qualification may be considered by the Government as well as by the TNPSC during the ensuing recruitment process and as far as the subject recruitment process is concerned, it is conducted in accordance with the Service Rules and by following the procedures contemplated under the recruitment notification. The scheme of examination was already conducted based on the writ order by prescribing same ITI standard for all the candidates possessing diploma. This court does not find any infirmity in the decision taken by the Writ Court in order to maintain uniformity in the matter of conduct of written examination. Therefore, the writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



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19. It is made clear that the TNPSC is permitted to open the sealed cover and proceed with the process of selection by following the procedures as laid down under the Rules.

(S.M.S.,J.) (N.S.,J.)
16-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

KST

To

1. Secretary To Government, Revenue and Disaster Management Department Survey and Settlement Wing Ss4 (2) Section, Fort St George, Chennai-600 009.
2. The Secretary
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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