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W.P.(MD)NO.4891 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4891 of 2021 and
W.M.P.(MD)Nos.3971, 3973 & 3974 of 2021

S.Pandiaraj

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home Department, Secretariat,
Chennai.
2. The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai – 600 003.
3. The Controller of the Examination,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai – 600 003.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent vide his proceedings in List-OT dated 25-02-2021 rejecting the candidature of the petitioner and quash the same as illegal in so far as it relates to the petitioner's registration number i.e., No.100002119 is concerned and consequentially direct the respondents to



select the petitioner for appointment to the posts of Junior Scientific officer by allowing him to participate in the next selection process within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail,
for M/s.Ajmal Associates.

For R-1 : Mr.A.K.Manikkam,
Special Government Pleader.

For R-2 & R-3 : Mr.V.Panneerselvam,
Standing Counsel.

* * *

ORDER

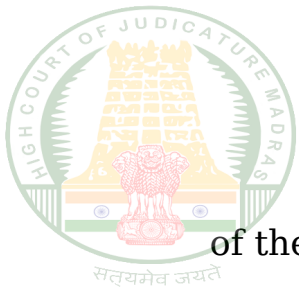
Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the Government of Tamil Nadu and the learned Standing counsel appearing for the Tamil Nadu Public Service Commission.

2. The Tamil Nadu Public Service Commission issued notification dated 21.06.2019 calling for applications from eligible candidates for the post of Junior Scientific Officer. The petitioner had passed out of Thiagarajar College, Madurai,



affiliated to Madurai Kamaraj University and obtained M.Sc. Chemistry (Special) qualification. The Tamil Nadu Public Service Commission took the view that the petitioner's qualification does not meet the requirement set out in the recruitment notification. Questioning the stand of the respondents, the present writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the course undergone by the petitioner was a Self Financing course and that the expression “ Special “ did not mean anything else. The Government of Tamil Nadu has issued G.O. (Ms)No.84 Higher Education (K1) Department dated 03.06.2022 stating that M.Sc. Chemistry (Special) offered by Thiagarajar College affiliated to Madurai Kamaraj University is equivalent to M.Sc. Chemistry for the purpose of employment and public service. He would also point out that persons having the said qualification as that of the writ petitioner have already been appointed as Junior Scientific Officers. He called upon this Court to set aside the exclusion



of the writ petitioner and allow the writ petition as prayed for.

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4. Though the contentions of the learned counsel appearing for the writ petitioner are highly persuasive, I cannot grant relief. This is because the recruitment notification contains the following disclaimer:-

“The Government Orders relating to Equivalence of Qualification are available in the Tamil Nadu Public Service Commission’s website. However, the applicants while applying for the Examination should furnish the details of Equivalence of Qualification declared in the form of Government orders issued on or before the date of this Notification if any, and produce the same while submitting the documents, failing which their application will be rejected. The Government Orders issued regarding Equivalence of prescribed qualification after the date of this Notification will not be accepted.”



5. The aforesaid disclaimer reads that the

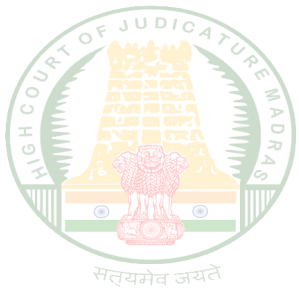
Government Order issued regarding equivalence of prescribed qualification after the date of this Notification will not be accepted. Here the date of notification is 21.06.2019. The Government Order regarding equivalence was issued only on 03.06.2022. It is well settled that a candidate participating in the selection process is bound by the instructions of the notification. I have to necessarily sustain the impugned order. It is however made clear that since the equivalence has already been declared, the petitioner is eligible to take part in the future recruitment processes. With this observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2022

Index : Yes / No

Internet : Yes/ No

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To:

1. The Principal Secretary to Government,
Home Department, Secretariat,
Chennai.
2. The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai – 600 003.
3. The Controller of the Examination,
Tamil Nadu Public Service Commission,
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G.R.SWAMINATHAN,J.

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