



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.01.2022**

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.11895 of 2014

and

M.P(MD).Nos.1, 2 and 3 of 2014

N.Senthilkumar

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Personnel and Admn. Reforms (PER.R) Department,
Fort St.George, Chennai-600 009.

2.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai-600 009.

3.The Secretary,
The Tamil Nadu Public Service Commission,
Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order ref.Nil dated nil purported to have been issued by third respondent herein in so far as withholding the petitioner's posting in the Animal Husbandry Department quash the same and consequently direct the respondents herein to post the petitioner in the Animal Husbandry Department as per the state Rank No.130 allotted by the third respondent with seniority and all other service benefits within a reasonable time.

For Petitioner	: Mr.K.Appadurai
For R1 & R2	: Mr.R.Ragavendran
	Government Advocate(Civil Side)
For R3	: Mr.Panneer Selvam.V

O R D E R

The petitioner has completed SSLC in the year 1984-1985. The petitioner completed foundation course conducted by the Madurai Kamaraj University. Thereafter, the petitioner has passed two years



foundation course in April 1989. Thereafter, the petitioner completed BA degree in the year 1993. The petitioner has claimed his educational qualification as 10+2 year pre-foundation course+degree.

2. The respondents conducted an examination for the selection of Grade-IV Service in the Government and the minimum qualification prescribed for the Grade-IV posts is SSLC. The petitioner participated in the examination held on 07.07.2012 and was selected in the result published by the third respondent dated 04.04.2013. The petitioner was directed to attend the Certificate Verification. The petitioner produced SSLC Certificate, foundation course and the BA degree course certificate during the Certificate Verification. Thereafter, the petitioner was appointed in the Animal Husbandry Department holding state level rank as 130 with the condition that equivalency qualification ought to be confirmed. Since the respondents considered that the foundation course is not equivalent to +2 has withheld the posting of the petitioner. Therefore, the petitioner filed this writ petition with the prayer to quash the impugned selection list which has withhold petitioner's posting and consequently direct the respondents to post the petitioner in the Animal Husbandry Department as per State Rank 130.

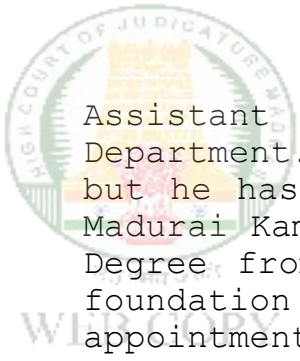
3. The respondents filed a counter stating the upper age prescribed for Grade-IV examination as per Notification No.14/12 dated 27.04.2012, for the vacancies for the years 2007-2008 to 2012-2013 are as follows:

Sl.N o.	Category of Candidates	Minimum Age	Maximum Age
1	Scheduled Caste/Scheduled Caste (Arunthathiyars), Scheduled Tribes and Destitute Widows of all castes	18 years	35 years
2	Most Backward Classes/Denotified Communities, Backward Classes and Backward Classes (Muslims)		32 years
3	"Others" [i.e.Candidates not belonging to SCs, SC(A)s, STs, MBCs/DCs, Cs and BCMs]		30 years
4	For the persons who are trained in Survey in ITI in Tamil Nadu, in respect of posts of Field Surveyor and Draftsman only		35 years

4. As per the educational qualification, the candidate should possess the following or its equivalent:

"Must possess minimum general educational qualification viz must have passed SSLC Public Examination or its equivalent with eligibility for the admission to the Higher Secondary Courses of studies (or) to the college course studies".

5. The petitioner has written the examination and has obtained 214.30 marks and was provisionally selected to the post of Junior
<https://hcservicescourts.gov.in/hcservices/>



Assistant in the Animal Husbandry and Veterinary Sciences Department. The candidate has not passed Higher Secondary Course, but he has passed two year foundation course held in April 1989 of Madurai Kamaraj University. Thereafter, the petitioner has passed BA Degree from the same university in the year 1993. Since the pre-foundation course is not equivalent to +2, the petitioner's appointment was withheld.

6. The respondents relied on a Letter No.23105/M2/2013, P & AR Department, dated 08.08.2013, wherein it was clarified that the degree awarded by open university after passing Pre-Foundation Course and two years foundation course through open university could not be recognized as a degree as per UGC norms. Further, the P & AR Department has issued amendment to General Rule Part II of the Tamil Nadu State and Subordinate Service Rules Vide G.O.(M.S.)No.65, P&AR (S) Department, dated 02.07.2014 wherein, it has been prescribed as 10+2+3+2 to be the educational qualification. Since the petitioner has not passed his educational qualification as per prescribed rule, the petitioner candidature could not be considered.

7. Heard the learned Counsel for both the sides and perused the materials on record.

8. It is seen from the Notification No. 9 / 2013 dated 14.06.2013 the Educational qualification prescribed as "must possess minimum general educational qualification viz must passed SSLC public examination". The petitioner has passed SSLC public examination. The petitioner joined Plus Two course in the year 1985 and completed plus one, then has entered the plus two in the year 1986, but could not continue and has discontinued from the school on 23.12.1986 due to family circumstances. In the Transfer Certificate is has been mentioned that the petitioner had discontinued in twelfth standard. The petitioner has produced a certificate issued by the Headmaster of the school on 12.01.2022 and the contents is extracted below:

“எமது பள்ளியில் முன்னால் மாணவர் திரு.N. செந்தில் குமார் த/பெ. நாகராஜன் சேதுபதி பாண்டித் துரை மாநகராட்சி மேல்நிலைப்பள்ளியில் 15.07.1985ல் மேல் நிலை முதலாம் ஆண்டு 1986/87ஆம் கல்வி ஆண்டு மேல் நிலை இரண்டாம் பயின்று 23.12.1986ல் இடைநிறுத்தம் செய்துள்ளார். மாணவர்க்கு வழங்கப்பட்ட 12ம் வகுப்பு மாற்று சான்றிதழ் இப்பள்ளியின் மூலம் வழங்கப்பட்டுள்ளது என்பதனை பணிவுடன் தெரிவித்து கொள்கின்றேன்”.

9. Thereafter the petitioner has joined the Foundation course and completed in April 1989. Then joined B.A. History and completed in April 1992.

10. The basic qualification for the Grade - IV post is only pass in the SSLC and the petitioner is possessing the same from the



regular course of study. The petitioner is aged about 42, for relaxation of the age the condition prescribed as

"No maximum age limit for candidates belonging to SCs, SC(A)s, STs, MBCs / DCs, BCs, BCMs and Destitute Widows of all castes who possess a General Educational qualification which is higher than the Minimum General Educational Qualification (i.e. who have passed PUC / HSC / Diploma / Degree."

11. Since the petitioner has not completed the HSC in the main stream but only possess Foundation Course, his candidature was withheld. Now the issue is whether the petitioner can be considered for the age relaxation by considering his foundation course as qualification. On perusal of the qualification of the petitioner, it is seen that the petitioner has joined the Higher Secondary Course in the main stream in 1985 and completed the plus one course. Then has entered in plus two and continued until 23.12.1986 and could not complete thereafter. The petitioner could not attend the remaining three months in the plus two course in the main stream. Hence the petitioner joined the Foundation Course and completed in April 1989.

12. This court is of the considered view since there is only three months left for completion of plus two course in the main stream, the petitioner's candidature can be considered for age relaxation by taking the Foundation course. Therefore this court is directing the respondents to select the petitioner's candidature by relaxing the age by taking his qualification as pass in the plus two and grant him appointment order for the post of Junior Assistant in Animal Husbandry Department as per the State Rank No. 130. The said exercise shall be completed within four weeks from the date of receipt of the copy of this order.

13. This order is passed taking into the peculiar facts and circumstances of the case and this order shall not be taken as precedent.

14. With the above direction the writ petition is allowed. No Cost. Connected Miscellaneous Petitions are closed.

Sd/-

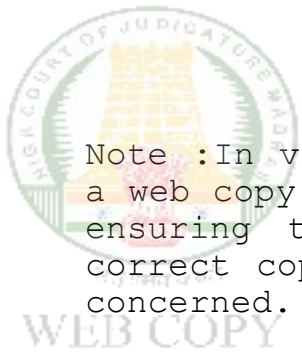
Assistant Registrar (Records)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Personnel and Admn. Reforms (PER.R) Department,
Fort St.George, Chennai-600 009.

2.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai-600 009.

3.The Secretary,
The Tamil Nadu Public Service Commission,
Chennai-600 006.

+1 CC to M/s.SPL.GP (SR-2013[F] dated 21/01/2022)

+1 CC to M/s.K.APPADURAI, Advocate (SR-1858[F] dated 20/01/2022)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-2129[F] dated 24/01/2022)

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