

(2014) 12 MAD CK 0366

In the Madras High Court

Case No : Writ Appeal No. 980 of 2014 and M.P. Nos. 1 and 2 of 2014

P. Raman

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 15-12-2014

Acts Referred:

Citation : (2014) 12 MAD CK 0366

Hon'ble Judges : Satish K. Agnihotri, J;K.K. Sasidharan, J

Bench : Division Bench

Judgement

1. This intra court appeal is directed against the order dated 21 April 2014 in W.P.No. 13055 of 2010, whereby and whereunder the learned Single Judge dismissed the writ petition on the ground that the appellant failed to satisfy the eligibility criteria and as such the Tamil Nadu Public Service Commission was correct in rejecting his case for appointment in Group - I services.

The facts:

2. The Tamil Nadu Public Service Commission issued a notification dated 15 December 2008 for filling up 82 posts in Group - I services for the year 2007-2009. The appellant submitted an application pursuant to the said notification. The appellant cleared the preliminary and main examination and thereafter attended oral test. However, his results were not declared. The appellant having found that his name was included in the withheld list filed a writ petition in W.P.No. 13055 of 2010 for issuance of a writ of Mandamus directing the respondents to take further action for his appointment. The writ petition was opposed by the Tamil Nadu Public Service Commission and the State of Tamil Nadu on the ground that the appellant obtained post graduate degree through Open University System without obtaining the basic degree.

3. The learned Single Judge agreed with the contentions taken by the respondents and dismissed the writ petition. Felling aggrieved by the said order, the unsuccessful writ petitioner is before this Court.

Submissions:

4. The learned Senior Counsel for the appellant contended that in the memorandum issued by the Tamil Nadu Public Service Commission dated 12 August 2009 it was very clearly stated that candidates possessing Post Graduate Degree by open university system without undergoing Under Graduation, should send a separate declaration. By placing reliance on the statement contained in the memorandum learned Senior Counsel contended that the Tamil Nadu Public Service Commission was well aware that even those who have obtained Post Graduate Degree without undergoing Under Graduation are also entitled for selection. The learned Senior Counsel contended that amendments were made to the Tamil Nadu State and Subordinate Service Rules only after initiating the selection process in question and as such none of those regulations requiring Post Graduate Degree qualification after undergoing Under Graduate degree, would apply to the case of the appellant.

5. The learned Standing Counsel for the Tamil Nadu Public Service Commission contended that the notification issued by the Commission very clearly stated that the candidates should possess a degree awarded by the University, meaning thereby, the degree should be obtained after undergoing the basic course. According to the learned counsel, the clause regarding declaration to be given by those who have obtained Post Graduate Degree without undergoing Under Graduate Degree was inserted for a different purpose inasmuch as the Commission would be in a position to identify such applicants for rejection of their applications.

Analysis:

6. The Tamil Nadu Public Service Commission issued a notification dated 15 December 2008 calling for applications for direct recruitment to the post included in Group - I Services. The notification contained the details of essential educational qualification. The appellant obtained Post Graduate Degree from Open University without undergoing Under Graduate Course.

7. The notification issued by the Tamil Nadu Public Service Commission refers to a post graduate degree meaning thereby it should be a valid degree after undergoing the basic course.

8. The question as to whether post-graduate degree obtained through Open University System without there being first/basic degree came up for consideration before a Division Bench of this Court. The Division Bench held that post graduate degree obtained through Open University without undergoing basic degree is not valid. The judgment is reported in N. Ramesh Vs. Sibi Madan Gabriel, The Secretary to Government, Information and Tourism Department, Govt. of Tamil Nadu, The Director, Information and Public Relations and The Tamil Nadu Public Service Commission, . The said judgment was upheld by the Supreme Court in Annamalai University rep. by Registrar Vs. Secy. to Govt. Infn. and Tourism Dept. and Others, The legal position is therefore very clear that a

candidate who obtained Post Graduate Degree would be considered as a Post Graduate only if he obtained the said degree after undergoing the first/basic degree.

9. The appellant is harping on the memorandum dated 12 August 2009 issued by the Tamil Nadu Public Service Commission wherein there is a stipulation that the candidates should disclose as to whether they have obtained Post Graduate Degree without undergoing Under Graduate course. The memorandum would not give any right to those who have obtained Post Graduate Degree without undergoing the basic degree Course. As rightly pointed out by the learned Standing Counsel for Tamil Nadu Public Service Commission, it was only to understand as to whether a particular candidate has undergone Post Graduate Course without undergoing Under Graduate course, such a declaration was sought for by the commission.

10. The fact that amendments were made to the Tamil Nadu State and Subordinate Service Rules subsequent to the issuance of notification would not give a right to the appellant to claim appointment, notwithstanding the fact that he obtained Post Graduate Degree without undergoing Under Graduate course. Law has already been declared by this Court and subsequently by the Supreme Court in the matter of obtaining post graduation without the basic degree.

11. The learned Single Judge considered this aspect and rightly rejected the contentions taken by the appellant. We do not find any reason to take a different view in the matter.

12. In the upshot, we dismiss the intra court appeal. Consequently, the connected MPs are closed. No costs.