



W.P.(MD).No.20738 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20738 of 2023

and

W.M.P(MD)Nos.17163, 17167 & 17169 of 2023

J.P.Aashiha

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai-600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai-600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the List-OT, dated 14.08.2023 issued by the second respondent, pursuant to Advertisement No.638, Notification No.32/2022, dated 11.11.2022 and quash the same in so far as the rejection of the candidature of the petitioner to the post of Bursar in Tamil Nadu Educational Service.



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For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.V.Paneer Selvam
Standing Counsel

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, to call for the records relating to the List-OT, dated 14.08.2023 issued by the second respondent, pursuant to Advertisement No.638, Notification No.32/2022, dated 11.11.2022 and quash the same in so far as the rejection of the candidature of the petitioner to the post of Bursar in Tamil Nadu Educational Service.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner made an application for the post of Bursar responding to the notification No.32 of 2022, dated 11.11.2022 made by the first respondent. She attended the written examination conducted by the respondents on 10.03.2023. The petitioner came successful in the written examination and she was placed in the list of candidates, who were selected for certificate



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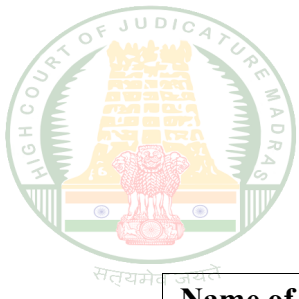
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verification. However, in the list of candidates, who were selected for attending the oral test, dated 14.08.2023, in the annexure the petitioner's candidature was rejected, observing that the petitioner had failed to upload the requisite certificates.

4. It is brought to my notice by the learned Standing Counsel for the respondents that on 26.06.2023, the petitioner was duly communicated through mail instructing her to upload the equivalent Government Order for the educational qualification claimed in the online application of the petitioner and no objection certificate for the post of Bursar on or before 10.07.2023. The required educational qualification for the post of Bursar as per para 5 (B) of the notification, dated 11.11.2022 is given as below:

(B) Educational Qualification (as on 11.11.2022)

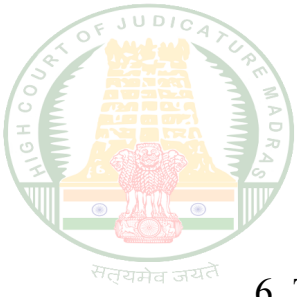
Applicants should possess the following or its equivalent qualification awarded by any University or Institution recognized by the University Grants Commission for the purpose of its grant:



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Name of the Post	Educational Qualification
Bursar	Must have passed Post Graduate Degree in Public Administration Or Post Graduate Degree in Business Administration (MBA) with Specialization in Finance Other things being equal preference will be given to persons with experience for a period of not less than three years in finance or administration matters.

5. However, the petitioner has a Degree of Master of Business Administration in Financial Services Management under the Faculty of Management Sciences granted by the Anna University. The petitioner has claimed in her application that the P.G Degree in Management with specialization in Finance as awarded by Anna University is the required qualification. Without accepting the same, as a matter of caution well in advance on 26.06.2023, the respondents have duly mailed appropriate instructions to the petitioner to upload equivalent Government Order for her educational qualification. However, the said exercise has not been done by the petitioner and on that basis, the petitioner's candidature came to be rejected. Challenging the said rejection order, this writ petition came to be filed.



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6. Though the contentions made by the learned Counsel for the petitioner attracts the sympathy of this Court, the learned Standing Counsel for the respondents drew my attention to the disclaimer in the notification, dated 11.11.2022 in clause 5(B) Note: 2 (iii) as follows:

*“(iii) Applicants claiming equivalence of qualification to the prescribed qualification should upload and submit evidence for equivalence of qualification, in the form of government order issued on or before the date of this notification, and submit it along with the online application, failing which, their application **will be summarily rejected after due process.** The government orders regarding equivalence of qualification issued after the date of this notification will not be accepted.”*

7. The respondents have clearly notified that the applicants claiming equivalence of their qualification to the prescribed qualification ought to have obtained Government Orders regarding equivalence of qualification well before the date of notification for the appropriate post and the equivalent orders which were obtained after the date of notification would not be accepted. It is well settled that a candidate participating in the selection process is bound by the instructions of the notification. Hence, I have to necessarily sustain the impugned order.



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8. However, I would make clear that if the petitioner is already holding an equivalence certificate which was obtained by her well before the date of notification, the respondent Commission should appropriately consider her candidature and give her opportunity to attend the oral test. In case of the petitioner producing such equivalence certificate, which was obtained before the date of notification, I hereby direct the respondent Commission to permit her to attend the oral test, which is scheduled to be held on 31.08.2023 and in absence of the same, her case cannot be sustained. If the petitioner is having any such certificate, she is directed to produce such certificate on or before **30.08.2023** at 04.00 pm, before the respondents.

9. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

29.08.2023

NCC : Yes
Index : Yes
Internet : Yes
BTR

Note: Issue order copy on 29.08.2023.



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L.VICTORIA GOWRI, J.

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