

ITEM NO.49

COURT NO.16

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).3959/2021

(Arising out of impugned final judgment and order dated 15-12-2014 in WA No.980/2014 18-12-2020 in RA No. 44/2016 passed by the High Court Of Judicature At Madras)

P. RAMAN

Petitioner(s)

VERSUS

THE GOVERNMENT OF TAMIL NADU & ORS.

Respondent(s)

IA No. 25794/2021 - CONDONATION OF DELAY IN FILING
IA No. 9664/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 03-03-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Col. R Balasubramaniam, Sr. Adv.
Mr. M. A. Chinnasamy, AOR
Mr. K.S. Gnanasambandan, Adv.
Mr. P Rajaram, Adv.
Mr. C Raghavendren, Adv.
Mr. V Senthil Kumar, Adv.
Mrs. Sujatha, Adv.

For Respondent(s) Mr. P. Wilson, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Mr. Apoorv Malhotra, Adv.
Mr. P. Shankar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Heard Mr. R Balasubramaniam, learned senior counsel appearing for the petitioner. Also heard Mr. P. Wilson, learned senior counsel appearing for the respondents.

The petitioner was an aspirant and responded to the notice for direct recruitment issued on 15.12.2008 by the Tamil Nadu Public Service Commission. This was a process of recruitment to Group-I services category. The Notification contains details of essential educational qualification and so far as the petitioner is concerned he had obtained post graduate degree from the open university without however pursuing any under graduate course.

The issue to be considered is whether post graduate degree obtained from Open University without undergoing the basic graduation course is acceptable as the requisite qualification for offering candidature, in response to the notification dated 15.12.2008 of the Tamil Nadu Public Service Commission.

The High Court in the impugned judgment referred to in *N. Ramesh v. Sibi Madan Gabriel* reported in (2008) 3 MLJ 255 and held that post graduate degree obtained through Open University without undergoing basic degree is not acceptable. The decision of the High Court was upheld by this Court in *Annamalai University v. Secretary to Government, Information and Tourism Department* reported in (2009) 4 SCC 590.

Adverting to the aforesaid ratio laid down by this Court, the High Court in the impugned decision held that a candidate who obtained post graduate degree would be considered valid only if the said degree is obtained after undergoing the basic degree course.

On the above aspect, the petitioner is emphasizing on the memorandum dated 12.08.2009 (annexure P-6) but we have examined

the memorandum and find that the same would not confer any benefit on candidates such as petitioner, who had obtained post graduate qualification without undergoing the basic degree course.

In the aforesaid circumstances, we are of considered opinion that the impugned judgment does not suffer from any infirmity and accordingly the Special Leave Petitions stand dismissed.

Pending application(s), if any, shall stand disposed of.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR