

**Central Administrative Tribunal
Madras Bench**

OA 310/01650/2016 & MA 498/2018

Dated Tuesday the 26th day of March Two Thousand Nineteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

1. T. Mourougavelou Dolard
2. N. Kesavan
3. Perthus Sallustre
4. M. Veerappan
5. S. Perumal
6. D. Razasekaran ... Applicants

By Advocate **M/s. V. Ajayakumar**

Vs.

1. Union of India, represented by the
Government of Puducherry through the
Secretary to Government for Agriculture
Chief Secretariat, Puducherry.
2. The Director, Directorate of Agriculture
Puducherry. ... Respondents

By Advocate **Mr. R. Syed Mustafa**

ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

Heard. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the second respondent to consider and promote the applicants to the post of Demonstration Assistant by way of absorption on the basis of the qualification obtained by the applicants and on the basis of seniority and with all other consequential benefits and to pass such other or further orders”

2. The short point which arises in this case is that whether the pre-foundation course conducted by the Annamalai University is equivalent to SSLC for appointment in public service. The applicants are working as Mazdoors under 2nd respondent and the only promotional opportunity available to them is by writing LDCE conducted to the post of Demonstration Assistant. According to the applicants, as per the Recruitment Rules published in 2013, Annexure A7, the qualification required is SSLC or its equivalent. Eventhough the applicants have given representation for appointment to the post, the respondents had not considered their qualification as equivalent to SSLC.

3. The counsel for respondent would contend that the respondent department had written to the Secretary, Personnel and Administration Reforms (M) Department, Government of Tamilnadu as to whether the pre-foundation course is equivalent to SSLC for purpose of employment. The Secretary had informed the respondents that a pass in the pre-foundation course conducted by Annamalai

University is not equivalent to pass in SSLC examination as per letter dated 03.03.2017. (vide Annexure R2). It was also submitted that the Hon'ble Madras High Court in *A. Ponnusamy Vs. State of Tamil Nadu (WP No. 22071/2015 dt. 15.12.2016* has clearly held that the pre-foundation course is not equivalent to SSLC examination. According to him GO (MS) 528/85 dt. 18.05.1985 relied on by applicants is no longer valid.

4. We have heard both sides and anxiously perused the pleadings of both sides.
5. On a perusal of the decision cited by the applicants and respondents, it can be seen that the law is finally settled by the Hon'ble Madras High Court in the latest decision in *A. Ponnuswamy Vs. State of Tamil Nadu* dt. 15.2.2016. It was held that pre-foundation course conducted by Annamalai University is not equivalent to SSLC certificate issued by the Board of Education. The clarification issued by the Secretary, Personnel and Administration Reforms, Department of Government of Tamil Nadu dt. 03.03.2017 clearly states that the pre-foundation course of Annamalai University is not equivalent to the SSLC examination pass. The facts of the case in WP 1372/2013 dt. 12.07.2013 the *Secretary to Government, Personnel and Administrative Reforms Department, State of Tamil Nadu Vs. S. Mathevan Pillai* produced by the applicant is different and has no application in this case. The decision in WP No. 11111/2016 dt. 10.08.2017 is relating to the acceptability of a Bachlers degree issued by open University and those facts are not similar in this case.
6. We are bound to follow the dictum laid down by the Hon'ble Madras High

Court in Ponnusamy's case (referred supra).

7. Accordingly we hold that the pre-foundation course certificates are not equivalent to SSLC examination certificates which is prescribed by the recruitment rules in this case. Hence we hereby dismiss the OA. In view of the order passed in OA, MA 498/2018 filed for interim injunction is also dismissed. No costs.

(T. Jacob)
Member(A)

26.03.2019

(P. Madhavan)
Member (J)

AS