



W.P.(MD)Nos.10518 & 10519 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.10518 & 10519 of 2024

and

W.M.P.(MD).Nos.9440 & 9442 of 2024

W.P.(MD).No.10518 of 2024:

R.Saravanan

... Petitioner

Vs.

1. State of Tamil Nadu ,
Represented by its Secretary,
Human Resources Management (S) Department,
Secretariat,
Chennai - 9.
2. Tamilnadu Public Service Commission,
Represented by its Chairman,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai - 600003.
3. Tamilnadu Public Service Commission,
Represented by its Secretary,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai - 600003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of to issue a Writ of Declaration to declare the clause 13(B)



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(vi) of the Notification in Notification No.03/2022 dated 23.02.2022 and the Clause 14 (R) (iv) and (vi) of the Instructions to the Candidates issued by 3rd Respondent as illegal in so far as not treating the candidates studied in tamil medium from I Standard to X Standard and XII Standard in tamil medium as Private candidate under PSTM Category is concerned and consequently for a direction, directing the Respondent No.2 and 3 to select the Petitioner under PSTM category and permit to participate in the Counselling in the Combined Civil Services Examination II (Non Interview Posts) (Group-II Services /Group-IIA Services) within the time period stipulated by this Court.

W.P.(MD).No.10519 of 2024:

T.Murugeswari

... Petitioner

Vs.

1. State of Tamil Nadu ,
Represented by its Secretary,
Human Resources Management (S) Department,
Secretariat,
Chennai - 9.
2. Tamilnadu Public Service Commission,
Represented by its Chairman,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai - 600003.
3. Tamilnadu Public Service Commission,
Represented by its Secretary,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai - 600003.

... Respondents



W.P.(MD)Nos.10518 & 10519 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of to issue a Writ of Declaration to declare the clause 13(B) (vi) of the Notification in Notification No.03/2022 dated 23.02.2022 and the Clause 14 (R) (iv) and (vi) of the Instructions to the Candidates issued by 3rd Respondent as illegal in so far as not treating the candidates studied in tamil medium from I Standard to X Standard and XII Standard in tamil medium as Private candidate under PSTM Category is concerned and consequently for a direction, directing the Respondent No.2 and 3 to select the Petitioner under PSTM category and permit to participate in the Counselling in the Combined Civil Services Examination II (Non Interview Posts) (Group-II Services /Group-IIA Services) within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For R-1 : Mr.J.Ashok,
Additional Government Pleader

For R-2 & R-3 : Mr.V.Paneerselvam
(In Both Petitions)

COMMON ORDER

By consent of both the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.



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2. Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the first respondent and Mr.V.Paneerselvam, learned counsel appearing for respondent Nos.2 and 3.

3. The petitioners, who applied for Group-II A posts in response to the notification dated 23.02.2022 have completed the preliminary examination and written examination and listed as one among the persons who came under the zone of consideration. However, the petitioners have uploaded their certificates for certificate verification, despite they were not called upon for certificate verification and on enquiry, the petitioners came to know that they did not submit the certificates produced by them to show that they have studied in the Tamil Medium and hence, it was rejected.

4. The Government of Tamil Nadu has issued G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021, by giving priority in public appointments for those persons who have 20% reservation who studied in Tamil Medium and the petitioners have claimed priority in the said category. However, the petitioners had produced certificates from their Headmasters for I to X Standard to show that they had studied in Tamil Medium and the



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petitioners have also produced B.Com., Degree and B.A., History Certificates respectively issued by the Distance Education to show that they had studied their under graduation. However, the petitioners faced with the challenge in view of the certificates issued by the Deputy Directorate of Government Examination, it is certified that the petitioners had written the Higher Secondary Examination in Tamil.

5. Mr.V.Paneerselvam, learned Standing Counsel appearing for the TNPSC submitted that as per its notification and the instructions issued to the candidates, the petitioners are expected to produce the certificates with the clear words which would state that the persons have not only written their examination, but, they have also studied only in Tamil by having Tamil as the medium of instructions. The petitioners had chosen to write the 12th Standard examination privately and hence, they could only produce the certificates issued by the Deputy Directorate of Government Examination for 12th standard. In fact, in the notification, it is stated as follows:

“Documents uploaded / produced as proof of having studied in Tamil medium, for the partial duration of any course / private appearance at any examination, shall not be accepted and shall result in the rejection of candidature after due process.”



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6. This forms part of Paragraph 13-B (vi) of the General Information in the notification for the applicants as well.

7. The petitioners have filed these writ petitions to challenge the above condition in the notification by placing reliance on the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021, more particularly, paragraph No.4 Sub Clause (iii). For the sake of clarity, Paragraph No.4 (iii) is extracted hereunder:

**G.O.(Ms).No.82, Human Resources Management (S)
Department, dated 16.08.2021.**

“4...

(iii) 1 முதல் 9ஆம் வகுப்பு வரை பள்ளிக்கு செல்லாமல் நேரடியாக 10ஆம் வகுப்பு தேர்வினை எழுதி தேர்ச்சி பெற்ற தனித் தேர்வர்கள் மற்றும் பிற மாநிலங்களில், இதர மொழியினை பயிற்று மொழியாக கொண்டு பயின்று, பின்பு இம்மாநிலத்தில் நேரடியாகச் சேரும் வகுப்பிலிருந்து பள்ளி இறுதி வகுப்புகள் வரை தமிழ் வழியில் பயின்றவர்கள் இம்மூன்னுரிமைக்கு தகுதியுடையவர்கள் அல்லர்:□

8. It is stated in the above clause that those persons who have not gone to School for Standards I to IX and who are directly appeared for 10th Standard in Tamil, are not eligible to the above benefit given under the Government order. So, it is claimed by the petitioners that they have studied in the regular school



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and their certificates would show that they studied under the regular stream from Standard I to X and the concerned Headmasters have given certificates evidencing that they had studied in the Tamil Medium in the Government Schools.

9. At the earlier instance, another petitioner has filed W.P.(MD).No.9883 of 2024 in which the following orders have been passed with regard to the certificate issued by the Deputy Director of Examination for the appearance of 12th Standard through private mode. The relevant portion of the above order is extracted below:

“6. However, the learned Standing Counsel submitted that the petitioner had not produced the certificate in respect of 12th Standard stating that the petitioner had studied 12th Standard also in Tamil medium, but the certificate only conveys that the petitioner had written the examination in Tamil medium. Since the petitioner happened to appear for 12th Standard through private mode, she was under compulsive circumstances to obtain the certificate not from the school authorities but from the Deputy Director of Controller of Examination. In such case, it is impractical to expect from similar such candidates to get a certificate similar to the form in which the school authorities might give for those regular students.

7. So far as the Deputy Director of Controller of



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Examination is concerned, he would only know from the examination written by the petitioner that she had written the examination in Tamil. Only the school authorities can give certificate as to whether a candidate has studied the course also in Tamil medium. For all those candidates who studied in private study either by joining a tutorial or by being at home, the knowledge that the candidate had studied the course in Tamil medium can be only with the persons closely associated to them during their studies i.e., with the family members or the tutorial teachers. So, in such case, the second respondent cannot expect the Deputy Director of Controller of Examination to issue a certificate stating that the petitioner has studied the course in Tamil medium.

8. It goes without saying that a person who had studied and given his examination in Tamil until 10th Standard could not have studied the 12th Standard course in English medium and written the examination alone in Tamil medium. Only because the petitioner is conversant and comfortable in Tamil medium, she has chosen to write the examination in Tamil medium and there need not be any doubt that the petitioner have studied the 12th Standard also in Tamil medium.

9. Since the pedantic approach had deprived the petitioner from participating in certificate verification, the impugned order, dated 08.04.2024 passed by the second respondent is set aside.



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The first respondent is directed to permit the petitioner for certificate verification on par with similar such eligible candidates and proceed to the next level of selection.”

10. However, when these writ petitions were heard, a point was raised by Mr.V.Paneer Selvam, learned Standing Counsel for the respondent Nos.2 and 3 that the instructions have been given in the notification itself that the persons studied through private mode are not entitled to avail the benefit of PSTM and in the earlier case, the notification was not challenged. However, the petitioners have challenged the above instructions as well in this case claiming that it has not been issued in compatible to the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021.

11. No doubt administrative instructions can be given only on the basis of the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021. If the instructions are not issued in tune with the above Government Order, then, it requires the attention of this Court. As stated already in the G.O.(Ms).No.82, dated 16.08.2021, the following conditions have been laid down in paragraph No.4 of the said order and the same is extracted below :

“(i)ஒன்றாம் வகுப்பு முதல், தொடர்புடைய



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பணி விதிகளில் நேரடி நியமன முறைக்கென வரையறுக்கப்பட்ட கல்வித் தகுதி வரையில் (10 / 12-ஆம் வகுப்புகள், பட்டயம், இளங்கலை / முதுகலைப் பட்டங்கள்) முழுவதுமாக தமிழ்வழியில் கல்வி பயின்றவர்கள் மட்டுமே, 2010-ஆம் ஆண்டு தமிழ்நாடு தமிழ் வழியில் கல்வி பயின்றவர்களை அரசின் கீழ்வரும் பணிகளில் முன்னுரிமையின் அடிப்படையில் பணி நியமனம் செய்தல் சட்டம் மற்றும் அச்சட்டத்திற்கான 2020-ஆம் ஆண்டு திருத்தச் சட்டத்தின் கீழ் முன்னுரிமை வழங்கப்பட தகுதியுடையவர்கள் ஆவர்:

(ii) இதர மொழிகளை பயிற்று மொழியாக (Medium of Instruction) கொண்டு பயிற்று, தேர்வுகளை மட்டும் தமிழில் எழுதியவர்கள், இம்முன்னுரிமை ஒதுக்கீட்டிற்கு தகுதியுடையவர்கள் அல்லர்:

(iii) 1 முதல் 9ஆம் வகுப்பு வரை பள்ளிக்கு செல்லாமல் நேரடியாக 10-ஆம் வகுப்பு தேர்வினை எழுதி தேர்ச்சி பெற்ற தனித் தேர்வர்கள் மற்றும் பிற மாநிலங்களில், தமிழ் அல்லாமல் இதர மொழியினை பயிற்று மொழியாக கொண்டு பயிற்று, பின்பு இம்மாநிலத்தில் நேரடியாகச் சேரும் வகுப்பிலிருந்து பள்ளி இறுதி வகுப்புகள் வரை தமிழ் வழியில் பயின்றவர்கள் இம்முன்னுரிமைக்கு



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தகுதியுடையவர்கள் அல்லர்:

(iv) கல்வித் தகுதி சான்றிதழ், மாற்றுச் சான்றிதழ் (Transfer Certificate) மற்றும் மதிப்பெண் பட்டியல் ஆகியவற்றின் பயின்றவர்கள் நியமன மூலம் தமிழ் வழியில் கல்வி சம்பந்தப்பட்ட தெரிவு முகமைகள் / நியமன அலுவலர்கள் (Recruiting Agencies/ Appointing Authorities) உறுதி செய்து கொள்ள வேண்டும்:

(v) விண்ணப்பதாரர்களால் சமர்ப்பிக்கப்படும், தமிழ் வழியில் கல்வி பயின்றதற்கான சான்றிதழ்களின் உண்மைத் தன்மையினை சம்பந்தப்பட்ட பள்ளி மற்றும் கல்லூரிகள் மூலம் பணியாளர் தெரிவு முகமைகள் / நியமன அலுவலர்கள் (Recruiting Agencies / Appointing Authorities) உறுதி செய்து கொள்ள வேண்டும்:

(vi) தேர்வர்கள் மேற்குறிப்பிட்ட வழிமுறைகளின் மூலம் தமிழ் வழியில் கல்வி பயின்றவர்கள் என்பதை உறுதி செய்ய இயலாத நிலையில், தமிழ் வழியில் கல்வி பயின்றதற்கான சான்றிதழ்களை, இணைப்புகள் I மற்றும் II-ல் உள்ள படிவங்களில் சம்பந்தப்பட்ட கல்வி நிறுவனங்களிடமிருந்து பெற்று விண்ணப்பிக்க வேண்டும்:



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(vii) பள்ளிகள் மூடப்பட்ட நிகழ்வுகளில், சம்பந்தப்பட்ட மாவட்ட கல்வி அலுவலர் / முதன்மைக் கல்வி அலுவலர் / உரிய அலுவலரிடமிருந்து தமிழ் வழியில் கல்வி பயின்றதற்கான சான்றிதழ்களை தேர்வர்கள் பெற்று சமர்ப்பிக்க வேண்டும்:

(viii) தொடக்க நிலை (5-ஆம் வகுப்பு), உயர்நிலை (10-ஆம் வகுப்பு), மேல்நிலை வகுப்பு (12-ஆம் வகுப்பு), பட்டயம் (Diploma), இளங்கலை பட்டம் மற்றும் முதுகலை பட்டம் ஆகிய கல்வித் தகுதி சான்றிதழ்கள் மற்றும் மாற்றுச் சான்றிதழ்களில் (Transfer Certificate) மாணவர்களின் பயிற்று மொழி (தமிழ் / ஆங்கிலம் / இதர மொழிகள்) கட்டாயம் குறிப்பிடப்படும். தேவையான வழிகாட்டு நெறிமுறைகள் பள்ளிக் கல்வி மற்றும் உயர் கல்வித் துறைகளால் வெளியிடப்படும்:

(ix) தமிழ் வழியில் கல்வி பயின்றதற்கான சான்றிதழ்களில், மாணவர்களின் பெயர், பயின்ற பள்ளி / கல்லூரி / கல்வி நிறுவனங்களின் பெயர், முகவரி, வகுப்புகள், சான்றிதழ் வழங்கிய அதிகாரி ஆகிய விவரங்கள் அடங்கிய விரைவு தகவல் குறியீட்டினை (QR code) இடம்பெறச் செய்வதுடன், அச்சான்றிதழை இசேவை மையங்கள் மூலம் வழங்குவதற்கு பள்ளிக் கல்வி மற்றும் உயர்



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கல்வித் துறைகள் உரிய ஆணைகளை
வெளியிடும்:

(x) தமிழ் இலக்கியத்தில் கல்வித் தகுதி பெற்றவர்களை மட்டுமே பள்ளி மற்றும் கல்லூரிகளில் தமிழ் பாடத்திற்கான ஆசிரியர்களாக நியமிக்க வேண்டும் மற்றும் தமிழ் பாடத்திலும், மாறுபட்ட வேறு ஒரு பாடத்திலும் (Cross Major Subject Degrees in Tamil) பட்டம் பெற்றவர்களை தமிழ் ஆசிரியர்களாக நியமனம் செய்யக் கூடாது என்பதற்கான திருத்தங்களை மேற்கொள்வது தொடர்பாக பள்ளிக் கல்வி மற்றும் உயர் கல்வித் துறைகள் நடவடிக்கை மேற்கொள்ளும்.

(xi) மேற்படி சட்டத்தில் வழிவகை செய்யப்பட்டுள்ள 20 விழுக்காடு முன்னுரிமை ஒதுக்கீடானது, நேரடி பணி நியமனத்திற்கான ஒவ்வொரு தெரிவு நிலையிலும் (முதல்நிலைத் தேர்வு, முதன்மைத் தேர்வு, நேர்முகத் தேர்வு மற்றும் இதர நிலைகள்) பதவி வாரியாக பின்பற்றப்பட வேண்டும்:□

12. As stated already, Mr.T.Aswin Raja Simman, learned counsel for the petitioner by drawing the attention of this Court to Paragraph No.4 (iii) of the above order had claimed that the candidates who studied in the Tamil Medium from Standard I to X and wrote their examinations in Tamil, if asked to write



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12th standard privately, the certificate issued by the Deputy Directorate of

Government Examinations can be accepted.

13. Mr.V.Paneerselvam, learned Standing Counsel appearing for the TNPSC would submit that the certificate ought to be issued in the manner stated and it should state about the fact that the candidate had studied in Tamil Medium and it is not sufficient if it only states that he had written the examination in Tamil. The above issue is no more a *res integra* in view of the order passed in the earlier writ petition in W.P.(MD).No.9883 of 2024, which is referred supra.

14. The only restriction that has been placed under paragraph No.4 (iii) in Government order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 is that those persons who had done their 10th Standard privately without going to Standards I to IX cannot be permitted to furnish certificate to claim PSTM benefit. But in the instant case, the petitioners have studied upto Tamil medium by being a regular student in a regular stream and for which, they had already produced the certificates issued by the concerned school authorities. They wrote only the 12th Standard examination privately and for which they happened to get the certificate from the Deputy



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Directorate of Government Examinations. The above terms in Paragraph No.4

(iii) of the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 does not speak about anything to exclude those persons who had finished X Standard through regular mode, but opted to write 12th Standard in Tamil medium privately.

15. It has already been held that against those persons who studied in Tamil Medium upto 10th Standard and wrote XII standard privately, no impractical presumption be taken that they have studied 12th Standard by having English as medium of instruction but had chosen to write the examination alone in Tamil. Only for this reasons, PSTM benefit was given to persons, who have come to this Court for seeking the validity of the certificate obtained from the Deputy Directorate of Government Examinations for XII standard. Hence, there cannot be any difficulty to extend the said benefit to the petitioners also in terms of the earlier order made in W.P.(MD).No.9883 of 2024, dated 23.04.2024.

16. Paragraph No.13-B (vi) of the notification dated 23.02.2022 which has its base on the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021, cannot be presented to be conveying a different meaning than what it says. Since the Government Order



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speaks about the enrollment in schools for Standard I to IX and X standard through private mode and does not make any reference about standard XI and XII, it has to be read down in tune with Paragraph No.4 (iii) of the Government order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021. However, these writ petitions do not deal with the acceptance of Standard XII qualification obtained by the candidates by writing the examination through private mode. So, I feel it is sufficient to read down the Paragraph No.4 (iii) of the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 along with Paragraph No.13-B (vi) of the notification dated 23.02.2022.

17. In view of the reasons stated above, these Writ Petitions are **disposed of**, by holding that the impugned Clauses 13(B)(vi) and 14(R)(iv) & (vi) in the Notification and Instructions to Candidates respectively shall be read harmoniously with Paragraph No.4 (iii) of the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 as how it is read down above and consequently, the third respondent is directed to permit the petitioners for certificate verification on par with other eligible candidates of the same category and proceed to the next level of selection. No costs. Consequently, connected miscellaneous petitions are



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closed.

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29.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

1. The Secretary,
State of Tamil Nadu ,
Human Resources Management (S) Department,
Secretariat,
Chennai - 9.
2. The Chairman,
Tamilnadu Public Service Commission,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai - 600003.
3. The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai - 600003.



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R.N.MANJULA, J.

TSG

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29.04.2024