



W.A.No.128 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN**

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and

C.M.P.No.914 of 2025

Teacher Recruitment Board,
Rep.by its Member Secretary,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

... Appellant

Vs.

1.P.Mahalakshmi

2.The State of Tamil Nadu,
Rep.by the Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai – 600 009.

3.The Commissioner/Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 25.09.2023 passed in W.P.No.25703 of 2022.

For Appellants : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan

For Respondents
(For R1) : Mr.M.R.Jothimanian
(For R2 & R3) : Mr.U.M.Ravichandran
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by *R.SURESH KUMAR, J.*)

This intra Court appeal is directed against the order passed by the writ Court in order dated 25.09.2023 made in W.P.No.25703 of 2022.

2. That the Appellant / Teacher Recruitment Board invited applications for the recruitment to the Post of P.G. Assistant in various subjects.

3. So far as the 1st respondent/writ petitioner is concerned, since she is qualified to hold the post of P.G. Assistant (Commerce) and she also studied throughout in Tamil Medium, she had applied for the said post of P.G.



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Assistant under PSTM Quota. The 1st respondent/writ petitioner had secured 91

marks out of 147 and she was called for Certificate Verification.

4. However, when the Provisional Selection List was published on 17.08.2022, the petitioner's name was not found. Whereas, it is the case of the writ petitioner that the persons, who secured 88, 86, 77 marks in the same category had been given the appointment, whereas the petitioner, who secured even though 91 marks, has not been selected.

5. When this was verified, it seems to have been stated that since the writ petitioner made claim under PSTM quota, one must have studied the entire career of studies up to the qualification, by which, the post has been called for, through Tamil Medium, that was verified by the Teacher Recruitment Board and they found that the writ petitioner joined Tamil Medium only in the IV Standard and from IV Standard till the P.G. qualification though she studied in Tamil Medium, insofar as the Classes I, II, III are concerned, there is no proof of certificate or documents produced by the writ petitioner to establish that she studied Classes I, II, III in Tamil Medium and this must have been in consonance with the Government Order issued in G.O.82, Human Resource Development [S] Department dated 16.08.2021, wherein it has been insisted



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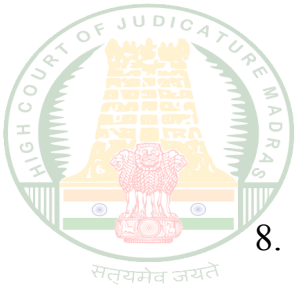
upon that a person, who seeks the quota under PSTM must have studied in

WEB COPY Tamil Medium from Class I till qualification for the post / recruitment sought

for. In the absence of Tamil Medium study for Classes I, II, III at the Primary School, the writ petitioner could not be fit in under the PSTM quota. Therefore, even though she secured higher marks than the candidates who have secured lesser marks, she was not selected.

6. In this context, even though the writ petitioner had produced necessary certificates of SSLC, Higher Secondary, Under Graduate Degree, Post Graduate Degree to establish that she completed all these courses only in Tamil Medium, she was not selected. Therefore, she had approached the writ Court by filing the said writ petition.

7. The learned writ Court, having heard the parties, has ultimately come to the conclusion by giving the interpretation to Tamil Nadu Act No.35 of 2020, especially Section 2(d), allowed the said writ petition, directing the Appellant-Teacher Recruitment Board to select the petitioner as P.G Assistant under GT PSTM or MBC/DNC PSTM quota and appoint her in the said post.



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8. Aggrieved over the same, this writ appeal has been filed, where assailing the order impugned passed by the writ Court, the learned Additional Advocate General appearing for the Appellant-Teacher Recruitment Board has contended that, in fact pursuant to the Act namely the “Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010”, the Tamil Medium quota since has been given to the extent of 20% on Hierarchy basis. When a issue has come up before the Hon'ble Division Bench of this Court in ***W.P.No.8025 of 2020*** in the matter of ***G.Sakthi Rao Vs. The Chief Secretary, Government of Tamil Nadu and others***, the Hon'ble Division Bench of this Court on ***22.03.2021***, has given a set of directions. In implementation of the said directions issued by the Hon'ble Division Bench, the Government has come forward to issue Government Order in G.O.Ms.No.82, Human Resource Development [S] Department dated 16.08.2021, whereby *inter alia* the Government has stated the following:

“4.மாண்புமையுடைய சென்னை உயர்நீதிமன்ற மதுரை கிளை வழங்கிய மேற்படி தீர்ப்பினை செயல்படுத்துவது குறித்து தமிழ்நாடு அரசுப் பணியாளர் தேர்வாணையத்தின் கருத்தினை பெற்று அரசு விரிவாக ஆய்வு செய்து, அதன்படி, 2010-ஆம் ஆண்டு தமிழ்நாடு தமிழ் வழியில் கல்வி பயின்றவர்களை அரசின் கீழ்வரும் பணிகளில்



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முன்னுரினையின் அடிப்படையில் பணி நியமனம் செய்தல் சட்டம் மற்றும் அச்சட்டத்திற்கான 2020-ஆம் ஆண்டு திருத்தச் சட்டம் ஆகியவற்றை நடைமுறைப்படுத்துவது தொடர்பாக பின்வரும் வழிகாட்டு நெறிமுறைகளை வெளியிட முடிவு மேற்கொண்டு அவ்வாறே ஆணையிடுகிறது:-

(i) ஒன்றாம் வகுப்பு முதல், தொடர்புடைய 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.”

9. Relying upon the above Clause (v) of Government Order in G.O.Ms.No.82, Human Resource Development [S] Department dated 16.08.2021, the learned Additional Advocate General appearing for the Appellant-Teacher Recruitment Board, would contend that since the Teachers Recruitment Board is only a Recruiting Agency, it must strictly follow the Government orders, which are in force, when G.O.Ms.No.82, Human Resource



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Development [S] Department dated 16.08.2021 prescribes the qualification to

claim PSTM quota, one must study the entire course of study from Class I till

the prescribed qualification for the recruitment only in Tamil Medium. In the

absence of any such class being studied in Tamil Medium and to that effect,

documents are not produced, certainly such candidates cannot claim PSTM

quota. Therefore, the learned Additional Advocate General would contend that

though the writ petitioner has studied from Class IV till the P.G Course in Tamil

Medium, for which, certificates have been produced, insofar as the Classes I to

III are concerned, it is a claim of the writ petitioner that she has completed the

Classes I, II, III in Arivoli Iyakkam, which is a short term course of six months

period provided by the Government in various places, for those, who could not

study the initial classes at regular School and this Scheme since was started in

August 1992, the petitioner's claim that she studied Classes I, II, III in Arivoli

Iyakkam cannot be accepted. Therefore, it is a case, where the 1st

respondent/writ petitioner has not studied Classes I, II, III in Tamil Medium or

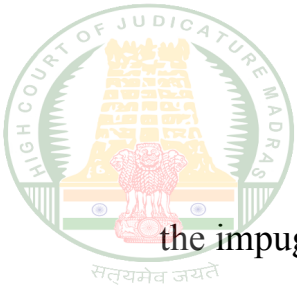
in the absence of any proof that she studied Classes I, II, III in Tamil Medium,

she cannot be fit in within Clause 4(i) of the Government Order issued in

G.O.Ms.No.82, Human Resource Development [S] Department dated

16.08.2021. Therefore, the learned Additional Advocate General would submit

that the order passed by the writ Court, allowing the said writ petition through



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the impugned order is liable to be interfered with.

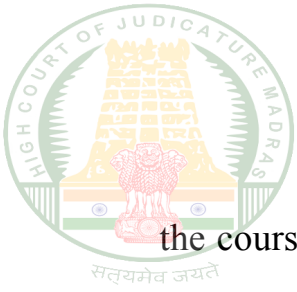
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10. We have heard Mr.M.R.Jothimanian, learned counsel for the 1st respondent/writ petitioner, who would submit that this position has been in fact clarified by Tamil Nadu Act No.35 of 2020, wherein Clause (v), it has been stated as follows:

“(v) in cases, where a post-graduate degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course, degree and the post-graduate degree through Tamil medium of instruction.”

11. Relying upon this clarificatory Clause in Act 35 of 2020, the learned counsel for the 1st respondent/writ petitioner would contend that where a Post Graduate Degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course, U.G. and P.G through Tamil Medium of instruction.

12. Herein the case in hand, Post-Graduate is the prescribed qualification and it is an admitted case that the 1st respondent/writ petitioner has completed SSLC, Higher Secondary, Under Graduate and Post Graduate in Tamil Medium. There is no dispute over it. When that being so, even in accordance with the provisions of Act 35 of 2020, the 1st respondent/writ petitioner has completed



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the courses like SSLC, Higher Secondary course, U.G and P.G course in Tamil

Medium, there is no other impediment to claim the said quota by the 1st respondent/writ petitioner, which in fact, has been considered in a proper perspective by the learned Judge by giving such interpretation, taking into account these prescriptions made under Act 35 of 2020.

13. We have considered all these submissions made by the learned counsel appearing for the parties and we have perused the materials placed before this Court.

14. The very basis for giving such PSTM quota arises from the Act and especially in Clause 2 (d) of Act 35 of 2020, it has been made clear that “person studied in Tamil Medium” means a person, who has studied through Tamil Medium of instruction up to the educational qualifications prescribed for Direct Recruitment in the rules or regulations or orders applicable to any appointment in the services under the State”.

15. If we strictly considered the provision that has been made in Act 35 of 2020, which has been made clear that a person, who wants to claim the Tamil Medium quota, i.e., PSTM, his/her entire study must be through Tamil Medium.



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16. That apart, Clause (v) of Act 35 of 2020 also has made a clarification that if Post Graduate degree is the prescribed qualification, from SSLC onwards till Post Graduation, one must have studied in Tamil Medium. If we put it jointly clause 2(d) in Act 35 of 2020 as well as the Explanation Clause (v) of Act 35 of 2020, one thing must be clear, where, the candidate who claims PSTM for the post, where P.G is the prescribed qualification, the candidate must have studied SSLC, Higher Secondary, U.G and P.G in Tamil Medium. There is no quarrel in those aspect as she admittedly completed all these courses in Tamil Medium.

17. Assuming that insofar as Clause 2(d) of Act 35 of 2020 is concerned, since it has been mentioned that the “person studied in Tamil Medium” means a person who has studied through Tamil Medium of instruction up to the educational qualification prescribed for direct recruitment is concerned, here the prescribed qualification is P.G. Therefore, upto P.G. degree, one must have studied in Tamil Medium. Though it does not say specifically that the studies must start from Class I, except in G.O.Ms.No.82, Human Resource Development [S] Department dated 16.08.2021 as stated supra, in strict



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interpretation of Section 2(d) of Act 35 of 2020, it is made very clear that throughout the study till the prescribed qualification, one must have studied in Tamil Medium.

18. Here in the case on hand, she joined Tamil Medium in Class IV, because she could not complete Classes I, II, III on regular basis and she claimed that she studied Classes I, II, III only through Arivoli Iyakkam, which is not in dispute. Merely because she has not studied Classes I, II, III in the Regular school, it cannot be stated that she has not studied in Tamil Medium throughout her career i.e., upto the prescribed qualification. Therefore, if we strictly interpret Section 2(d) of Act 35 of 2020, it does not make any difference that from the beginning of the course till the qualification, if a person studied in Tamil Medium, he/she cannot be excluded from the purview of PSTM quota.

19. Here in the case on hand, from Class IV till the P.G degree, admittedly, the 1st respondent/writ petitioner has completed her studies only in Tamil Medium. Moreover in Clause (v) of the Explanation of Act 35 of 2020 also, it is made clear that if Post Graduate is the prescribed qualification, the candidate must have studied SSLC, Higher Secondary, Under Graduate and Post Graduate in Tamil Medium.



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20. Therefore, we do not find any reason to reject the candidature of the 1st respondent/writ petitioner to claim the PSTM quota and coming to the merits of the performance made by the 1st respondent/writ petitioner is concerned, admittedly, she secured higher marks of 91 out of 147, whereas in the same category, persons who secured 88, 86, 77 marks have been selected. When that being so, naturally, the 1st respondent/writ petitioner since secured more marks of 91, she is very much entitled to be selected under the PSTM quota either as GT PSTM or MBC/DNC PSTM as the case may be.

21. In that view of the matter, we do not find any reasons to interfere with the order of the learned Judge, which is impugned herein.

22. Resultantly, the writ appeal fails, hence it is dismissed. The direction given by the learned Judge shall be complied with, within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.



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(R.S.K., J.) (C.S.N., J.)
20.01.2025

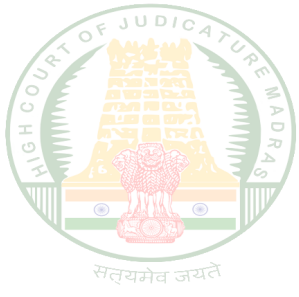
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1.The Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai – 600 009.

2.The Commissioner/Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.



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AND
C.SARAVANAN, J.

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