

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3945 of 2018

A.Raja

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Tamil Nadu Dr.Ambedkar Law University,
Rep. by its Registrar,
M.G.R. Road, Perungudi,
Near Tharamani Railway Station,
Chennai-600 096.
3. The Principal,
Dr.Ambedkar Government Law College,
Chennai-600 104.
4. The Directorate of Legal Studies,
Rep. by its Director,
198, Purasawalkam High Road,
Pava Puri Colony, Lumbini Square,
Purasawalkam, Chennai-600 010.

(Fourth respondent impleaded as per
order dated 23.03.2018 passed in
W.M.P.No.7627 of 2018 in W.P.No.3945 of 2018)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 2 to 4 to issue a Person Studied in Tamil Medium (PSTM) Certificate to the petitioner in a prescribed format to enable the petitioner to avail the benefits of Tamil Medium Students. (Prayer amended as per order dated 02.04.2018 passed in W.M.P.No.7628 of 2018 in W.P.No.3945 of 2018)

For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.A.Raja Perumal, Addl.G.P.
for RR-1, 3 and 4
Mr.L.P.Shanmugasundaram for R-2

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 2 to 4 to issue a Person Studied in Tamil Medium (PSTM) Certificate to the petitioner in a prescribed format to enable the petitioner to avail the benefits of Tamil Medium Students. (Prayer amended as per order dated 02.04.2018 passed in W.M.P.No.7628 of 2018 in W.P.No.3945 of 2018).

2. The petitioner has stated that he has studied X and XII Standards in Tamil Medium and joined 5-year B.L. Degree Course (Integrated Law Degree - 1998 - 2003). It is further stated that he joined the First Year Law Graduation alone in English Medium and did the First Year alone in English Medium and thereafter he switched over to Tamil Medium from the Second Year. Thus, the petitioner has completed the Law Degree Four Year Course in Tamil Medium. It is stated that the TNPSC has issued a Notification in No.7/2015 on 30.04.2015 for direct recruitment to the vacancies for the years 2014-2015 and 2015-2016 for the posts included in the Combined Civil Services Examination-II (Interview Posts) (Group II Services) and the petitioner has applied for the same under three categories, namely PSTM, SC, Differently Abled persons and cracked up the preliminary and main examination. The Tamil Nadu Public Service Commission (TNPSC) has directed the candidates who have cleared the main examination to bring PSTM Certificate for those who studied in Tamil Medium. The writ petitioner studied in Tamil Medium from 2nd year to 5th year in the said Law Degree course and hence, the petitioner approached the second respondent seeking for issuance of PSTM Certificate in prescribed format on 16.10.2017. Since the said PSTM Certificate has not been issued, the petitioner has filed the present Writ Petition.

3. Learned counsel for the petitioner drew the attention of this Court to the PSTM Certificate format issued by the TNPSC, and for better understanding, the same is extracted below:

PSTM Certificate

(To be issued only by the Head of Institution
as contemplated in G.O.(Ms).No.145, P & AR
(S) Department, dated 30.09.2010)

This is to certify that
Thiru/Tmt/Selvi..... (Name).....
has studied (course Name).....
during the year from to in
Tamil Medium.

This Certificate is issued after
verifying the course content/statement of
Marks/Transfer Certificate.

The candidate has/has not obtained scholarship for having studied in Tamil Medium.

Date:

Place:

Registrar/Principal
Seal of the Institution"

4. Learned counsel for the petitioner also drew the attention of this Court to the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (Act No.40 of 2010), wherein the purpose of bringing the said Enactment of 2010 is stated to provide employment opportunities for persons who studied in Tamil Medium and unless employment opportunities are provided for persons studied in Tamil Medium, there is no scope for the populace of the State to pursue school and college career through Tamil Medium and in order to facilitate a conducive environment for the populace to prefer Tamil Medium of instruction at all levels of education, appointment to any services under the State on preferential basis of persons studied in Tamil Medium is a rational classification. The said Act 40 of 2010 received the assent of the Governor on 27.11.2010.

5. Learned counsel for the petitioner submitted that the petitioner has studied the Tamil Medium of Law Degree Course and his PSTM Certificate has got to be given in the said format prescribed. But the learned counsel for the third respondent, even though did not file any counter affidavit, has submitted that the said Certificate has already been issued to the petitioner as early as on 13.02.2018 and that the third respondent cannot issue a different Certificate when the petitioner has not studied in Tamil Medium throughout the entire five-year course. Learned counsel for the petitioner submitted that the said Certificate already issued is not in the PSTM format prescribed by the TNPSC and hence, the petitioner has approached this Court by way of the present Writ Petition.

6. On a reading of the said Act 40 of 2010 stated supra, it is clear that the Act is enacted to provide employment opportunities for persons who have studied in Tamil Medium and more particularly Section 2(d), defines 'persons studied in Tamil Medium' as persons who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil Medium of instruction.

7. According to the petitioner, the said Act 40 of 2010 is not clear as to whether the Certificate could be issued in the said PSTM format when the entire Course, if studied in Tamil or

partly in English. This Court, by going through the entire provisions of the said Act 40 of 2010, is of the clear view that the entire Course had got to be studied in Tamil Medium. As the petitioner himself has stated in the affidavit filed in support of the Writ Petition that he has studied the First Year course in the said Law Degree in English Medium and the remaining Four years of the Course in Tamil Medium, even though the said Certificate dated 13.02.2018 has already been issued specifically stating his study of course in English/Tamil Medium respectively of the year(s), the said Certificate cannot be said to be incorrect, as it is not in the format prescribed by the TNPSC and the petitioner stated that the Certificate may be issued in the PSTM format extracted supra that the petitioner has studied the First Year in English Medium and the Second to Fourth Year in Tamil Medium. This Court cannot direct anyone much less the respondents to give such Certificate stating that the petitioner has studied the entire five-year course in either Tamil Medium or English Medium, when the fact remains that the petitioner has admittedly studied the First Year of the five-year course in English and the remaining four years in Tamil Medium.

8. Hence, the respondents are directed to issue the Certificate in the PSTM format prescribed by the TNPSC, as extracted above, on or before 20.04.2018, indicating the specific year of study of the petitioner in the said Course mentioning the first year in English Medium and the remaining four years of the five year course in Tamil Medium.

9. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

cs

To

1. The Secretary to Government,
The State of Tamil Nadu,
Personnel and Administrative Reforms Department,
Secretariat,
Fort St.George,
Chennai-600 009.

WEB COPY

2. The Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
M.G.R. Road, Perungudi,
Near Tharamani Railway Station,
Chennai-600 096.

3. The Principal,
Dr.Ambedkar Government Law College,
Chennai-600 104.

4. The Directorate of Legal Studies,
Rep. by its Director,
198, Purasawalkam High Road,
Pava Puri Colony, Lumbini Square,
Purasawalkam, Chennai-600 010.

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No. 24916
+1cc to the Government Pleader, S.R.No. 24852

W.P.No.3945 of 2018

RK(CO)
TR(05/04/2018)



WEB COPY