

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1247 of 2018

A.Raja .. Petitioner

-vs-

1. The Tamil Nadu Public Service Commission
rep.by its Secretary &
Controller of Examination (i/c)
Frazer Bridge Road
Chennai 600 003
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 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records pertaining to the list-OT dated 4.1.2018 published by the first respondent, Tamil Nadu Public Service Commission, under the head Posts including in Combined Civil Services Examination II (Interview Posts) (Group II Services) 2014-2015 & 2015-2016 and quash the same and consequently directing the first respondent to permit the petitioner to participate in the oral test to be held from 22.01.2018 to 19.02.2018 under the category of disabled persons in SC/ST Adidravida community.

For Petitioner :: Mr.P.Thiagarajan

For Respondents :: Dr.M.Devendiran

Standing Counsel for R1

Mr.V.Jayaprakash Narayanan

Special Government Pleader for R2 &3

ORDER

The petitioner, who has studied the five year B.A.,B.L. Degree Course in the Tamil Nadu Dr.Ambedkar Law University, Chennai, after completing the first year of the course in

English medium, has switched over to Tamil medium from the second year onwards and completed the rest of the course in Tamil medium and also received the scholarship for having studied in the Tamil medium. While so, when the first respondent issued the Notification No.7 of 2015 on 30.4.2015 calling for applications from the eligible candidates for the posts included in Combined Civil Services Examination II (Group II Services) for the years 2014-15 and 2015-16, the petitioner applied under three categories, namely, PSTM, SC Adidravida community & physically challenged and also came out successful in the preliminary and main examinations. However, when the petitioner was issued with the communication dated 4.10.2017 inviting him to take part in the certificate verification fixed on 24.10.2017, he had also participated in the certificate verification. But his candidature was rejected by the Tamil Nadu Public Service Commission on the ground that he has made a false claim that he had studied the B.A.,B.L. Course in Tamil medium.

2. The learned standing counsel for the first respondent submitted that when the petitioner has admittedly joined the five year B.A.,B.L. Degree Course in the Tamil Nadu Dr.Ambedkar Law University in English medium, after completing the first year of the course in English medium, he had switched over to the Tamil medium from the second year and completed the rest of the four years in Tamil medium. But the rule says that only the candidate who had studied the five year B.A.,B.L. Degree Course throughout in Tamil medium alone should be considered under PSTM category. Therefore, his claim under PSTM category was rejected. He has further submitted that on the date of certificate verification also, viz., on 24.10.2017, the petitioner has not substantiated his claim by producing the requisite document evidencing that he had studied the five year B.A.,B.L. Degree Course in Tamil medium.

3. The learned counsel for the petitioner, replying to the said contention, submitted that even the Principal of Dr.Ambedkar Government Law College, Chennai has issued a certificate certifying that the petitioner has completed the B.A.,B.L. Degree Course of five years from second year to final year in Tamil medium. The said certificate also shows that he joined the five year B.A.,B.L. Degree course in English medium and after his first year, had shifted to Tamil medium. However, he submitted that the proof thereof could not be produced on the date of certificate verification on 24.10.2017. He further pleaded that even if the petitioner is not considered under the PSTM category, he can be considered under the other two categories, namely, SC Adidravida and physically challenged.

4. Although this Court is unable to agree with the contention made by the learned standing counsel for the first respondent that since the petitioner joined the five year B.A.,B.L. Course in English medium, after studying the first

year in English medium, had switched over to Tamil medium from the second year onwards and completed the four years in Tamil medium and therefore his claim cannot be considered under the PSTM category, the first respondent would be justified in rejecting the candidature of the petitioner under the PSTM category only for the reason that he did not produce the requisite document on the date of certificate verification on 24.10.2017 substantiating his claim that he studied the B.A.,B.L. Degree Course in Tamil medium.

5. Be that as it may. Since the petitioner has staked his claim under the other two categories, namely, SC Adidraida and physically challenged, as pleaded by the learned counsel for the petitioner, the first respondent is hereby directed to consider the candidature of the petitioner under these categories, namely, SC Adidraida and physically challenged, in the ongoing oral test selection process, if he is otherwise found eligible. With this direction, the writ petition stands partly allowed. Consequently, W.M.P.Nos.1556 & 1557 of 2018 are closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary &
Controller of Examination (i/c)
Tamil Nadu Public Service Commission
Frazer Bridge Road
Chennai 600 003

2. The Registrar
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

+1cc to Mr.Dr.M.Devendran, Advocate Sr.No.12111

+1cc to Mr.P.Thiagarajan, Advocate SR.No.12038

BR(Co)

sm:16.2.2018

W.P.No.1247 of 2018