



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 22.11.2018

DELIVERED ON : 04.12.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.21780 of 2018

and

W.M.P(MD)Nos.19699 to 19700 of 2018

V.Pandichelvam

.. Petitioner

Vs.

The Member Secretary,
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Building,
College Road, Chennai - 6.

.. Respondent

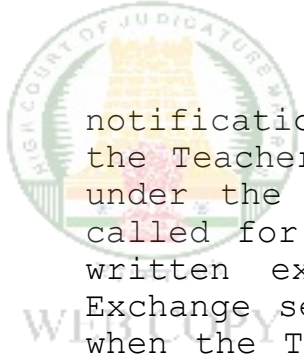
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the impugned rejection order passed by the respondent with respect to the petitioner (17ST06020504) and quash the same with the consequential direction directing the respondent to include the name of the petitioner (Roll.No.17ST06020504) in the selection list for the post of special teachers (Physical Education, Art, Music and Sewing) and pass such further or other orders.

For Petitioner : M/s.Laxmi Gopinathan
for M/s.Porkodi Karnan
of M/s.Polax Legal Solutions

For Respondent : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

The case of the petitioner is that he completed 10th Standard in the year 1992, 12th Standard in the year 2001, Higher Grade Certificate in Free Hand Outline and Model Drawing in the year 1998 and Certificate in Technical Teacher Course in the year 2003. He is also a Certificate holder in the Drawing Course conducted by the Department of Government Examinations. For all the courses, he has undergone the medium of instruction was Tamil. While so, when he applied for the post of Special Teacher (Drawing) pursuant to the



notification calling for application from the eligible candidates by the Teachers Recruitment Board under 20% Tamil medium quota besides under the Scheduled Caste [General Turn] category, though he was called for certificate verification having secured 57 marks in the written examination with 5 marks weightage for the Employment Exchange seniority, his name was not considered by the respondent, when the Tentative Provisional Selection List was published. When he approached the respondent in person on 15.10.2018 to verify why his name was not included in the Selection List, he was informed that he did not produce proper certificate for seeking reservation under the Tamil medium.

2. In the counter filed by the respondent, it is submitted that the candidature of the writ petitioner was not considered under PSTM category, since he has not produced the certificate at the time of verification. While the last candidate selected under SC [GT] category has secured 64 marks, the petitioner herein has secured 62 marks including the weightage marks for Employment Exchange seniority. Therefore his name was not considered.

3. The said contention made in the counter is refuted by way of rejoinder by the writ petitioner. He has specifically contended that at the time of certificate verification, he has produced all the necessary certificates as prescribed in the notification of the respondent. As far as Higher Grade Test in Painting and Drawing conducted by Director of Government Examinations [Technical], Chennai, certificate for person studied in Tamil medium cannot be obtained from the Department of Government Examinations. Since the said examination is conducted by the Department of Government Examinations. For private candidates, obtaining certificate from the institution is also not possible since they directly apply for the examination and not through any recognised institution. When the candidates asked for PSTM certificate from Directorate of Government Examinations, it is also specifically informed by the Department of Government Examinations that the Department of Government Examinations is not conducting any course, but only conducting examination for Free Hand Outline and Model Drawing, they are not competent to say about the medium of instruction of the candidates who appeared for the examination and such certificate can be obtained only from the institute, where the candidate has undergone the training. This reasoning not factually applicable to the petitioner, since he has obtained PSTM certificate from the institute in which he has undergone the training and submitted the same during the course of certificate verification, but the said certificate has not been considered.

4. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader representing the respondent and perused the records.



5.The relevant portion of the notification regarding educational qualifications and reservation for PSTM candidates for selecting Special Teacher [Drawing] are extracted below:

DRAWING TEACHER	1.General Educational Qualification: S.S.L.C. 2.Technical qualification: (i) a.Degree with Drawing and Painting under Part III of a University in the State or its equivalent. or b.Diploma in Painting or Diploma in Drawing of the Annamalai University. or ii)Diploma in Painting or Commercial Arts or Modeling of the Government College of Arts and Crafts; or Government Technical Examinations (Higher Grade) in free hand outline and Model Drawing or Government Diploma in Drawing or a Certificate issued by the Tamil Nadu Institute of Architecture and Sculpture, Mamallapuram. and (iii)Technical Teachers Certificate. Or (iv) a.A Diploma in Fine Arts (5 Years Course) awarded by Director of Technical Education or b.A Bachelor Degree in Fine Arts awarded by the Madras University or Bharathidasan University.
--------------------	---

9(c)Tamil Medium Study Certificate: Candidate who claims reservation under PSTM category has to produce Tamil Medium Study Certificate in the prescribed format (Annexure - II).

Annexure II

Tamil Medium: Persons Studied in Tamil Medium (PSTM) have to produce evidence, such as Transfer Certificate, Provisional Certificate / Degree Certificate / mark sheets received from the University or from the Institution, with a recording that he / she studied the prescribed educational Qualification in Tamil Medium. If no evidence for "Persons studied in Tamil Medium" is found in the above certificates, then a certificate from the Head of the Institution as given below must be furnished:-



PSTM Certificate (Model Format)
(To be issued by the Head of
Institution/Registrar/Principal)

This is to certify that
Thiru/Tmt/Selvi..... has studied
..... in subject during the
years to in Tamil Medium. This
certificate is issued after verifying the course content /
Statement of Marks / Transfer Certificate.

Registrar/Principal/Head of the
Institution

Place :

Date :

6.A perusal of the records furnished by the petitioner herein indicate that in the application, the petitioner has specifically mentioned that his medium of instruction is Tamil for all the qualifying examinations, besides he has also enclosed PSTM Certificate as per the format mentioned above. A perusal of the said certificate indicates that this writ petitioner herein has undergone training between March 1996 to March 1997 for the certificate course on Free Hand Outline and Model Drawing in Tamil. The Head of the institution by name Mercy Oviya Payirchi Palli, Ramanathapuram has issued the said certificate. The said certificate is dated 02.08.2018.

7.The petitioner herein has been found eligible and has been called to submit the original certificates for verification vide communication dated 27.07.2018. Accordingly, he has participated in the certificate verification on 13.08.2018. Since the petitioner has furnished necessary certificate to indicate that he has undergone the Higher Grade Certificate in Free Hand Outline and Model Training in Tamil, this Court finds no reason for rejecting his candidature under PSTM category. Therefore, the respondent is directed to consider PSTM certificate issued to the petitioner herein and pass appropriate orders holding him as candidate eligible to claim under PSTM category within a period of four weeks from the date of receipt of a copy of this order. The first respondent is at liberty to verify the credential of the PSTM certificate furnished by the petitioner herein issued by Mercy Oviya Payirchi Palli, Ramanathapuram before passing orders as directed above. Accordingly, the writ petition is disposed of. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

The Member Secretary,
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Building,
College Road, Chennai - 6.

- 1 CC TO M/s.POLAX LEGAL SOLUTIONS , IN SR No.78541.
-
- SMN
- DS RSK SAR2 13 12 2018 5P 3C

ORDER MADE IN
W.P (MD) No.21780 of 2018
and
W.M.P (MD) Nos.19699 to 19700 of 2018
04.12.2018