



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 22.11.2018
DELIVERED ON : 04.12.2018

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CORAM:
THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P (MD) No. 21800 of 2018
and
W.M.P (MD) Nos. 19734 to 19736 of 2018

A. Kumar

... Petitioner

Vs.

1. Teachers Recruitment Board
rep. by its Chairman,
4th Floor, E.V.K. Sampath Maligai,
D.P.I. Compound, College Road,
Chennai - 600 006.

2. The Director of School Education,
O/o. The Directorate of School Education,
College Road, Nungambakkam,
Chennai - 6.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of Tentative Provisional Selection List for appointment to the post of Special Teacher(Drawing) in the directorate of School Education published dated 12.10.2018 the file of the first respondent and quash the same as illegal to the extent non-inclusion of the petitioner and consequently to direct the first respondent to select and appoint the petitioner to the post of Special Teacher (Drawing) by calling the petitioner for counseling within the time stipulated by this Court and pass such further or other orders.

For Petitioner : Mr.S.Louis
For Respondent No.1 : Mr.VR.Shanmuganathan,
Special Government Pleader.
For Respondent No.2 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The writ petitioner herein seeks issuance of writ of certiorarified mandamus to call for the records pertaining to the Tentative Provisional Selection List released by the first



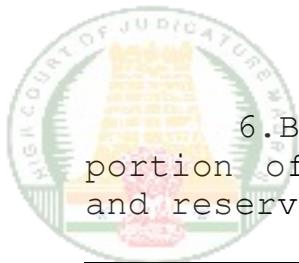
respondent herein for the appointment to the post of Special Teacher (Drawing) in the Directorate of School Education.

2.The case of the petitioner is that pursuant to the notification published by the first respondent calling application for the post of Special Teacher [Drawing], he applied under MBC/DNC Tamil medium category. He secured 58 marks in the written examination out of 95 marks and was eligible to additional marks of 5 based on his Employment Exchange seniority. Having secured 63 marks in total, his name was short-listed by the first respondent and he was invited for certificate verification held on 13.08.2018. He produced the original certificates of his educational qualifications and regarding the certificate for person studied in Tamil medium [PSTM], he furnished the certificate issued by the Headmaster indicating that his medium of instruction in Technical Teachers Certificate was Tamil. He has also explained the person who verified the certificates that the said Technical Teachers Certificate Course was conducted at E.R. Higher Secondary School, Tiruchirappalli and therefore the Headmaster of the said institution where he underwent the course has given the certificate indicating his medium of instruction was Tamil. However, while person secured lesser marks were included in the Tentative Provisional Selection List, the petitioner herein was not considered for the post.

3.The counter filed by the first respondent indicates that the petitioner when called for certificate verification, he has not produced certificate of having studied in Tamil for his Higher Grade [Free Hand Outline and Model Drawing] Course. As per G.O.Ms.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010 and the subsequent amendment issued for the post of Special Teacher [Drawing], a person should have possessed SSLC Higher Grade[Free Hand Outline and Model Drawing] and Technical Teachers Certificate. If he wants the privilege of 20% reservation for persons studied in Tamil medium, he should have furnished the certificate in the prescribed form to show that he has studied all the above courses in Tamil. Since the petitioner has not furnished the PSTM certificate in the prescribed form to show that he studied Higher Grade [Free Hand Outline and Model Drawing] in Tamil medium, his candidature was not considered under the PSTM quota.

4.In the counter, it is also pointed out that neither in his application nor at the time of certificate verification, the petitioner has indicated that in all the required qualifying examinations, his medium of instruction was only Tamil.

5.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleaders representing the respondents and perused the records.



6. Before advertizing to the merits of the case, the relevant portion of the notification regarding educational qualifications and reservation for PSTM candidates 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.
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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 :

7. In the light of the above conditions imposed in the notification, the documents furnished by the petitioner before the Selection Committee is perused. This Court finds that the petitioner has not submitted PSTM certificate in the format as prescribed in the notification which has been extracted above. In the application also, he has not mentioned that he studied the said course in Tamil medium, neither his Employment Exchange card indicates that he studied the said course in Tamil medium. In the said circumstances, the reason for not producing PSTM certificate for the said course is unacceptable.

8. Having failed to produce PSTM certificate in the prescribed format obtained from the institution in which he has studied the said course, which disentitle him to claim quota under PSTM category. Therefore, this writ petition is dismissed as devoid of merits. No order as to costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
D.P.I. Compound, College Road,
Chennai - 600 006.



2. The Director of School Education,
O/o. The Directorate of School Education,
College Road, Nungambakkam,
Chennai - 6.

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+1 cc To Mr.S.Louis, ADVOCATE IN SR NO.98549
+1cc to Special Government Pleader Sr.No.98763
Smn
MK/KK/SV/SAR 3/31.12.2018/5P/5C

ORDER MADE IN
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