

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31954 of 2019
and WMP.Nos. 32207 and 32210 of 2019

T. Gunasekar

..Petitioner

Vs

1. The Chairman
Teachers Recruitment Board,
D.P.I. Chennai-600006.
2. The Government of Tamilnadu
rep.by its Secretary to Government,
Personnel and Administrative Reforms (S) Dept.,
Fort St.George, Chennai-600009. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of declaration, declaring the entire process in pursuance of Notification No. 12/2019 dated 28.08.2019 & 04.10.2019 for appointment of Assistant Professor for Govt. Arts and Science Colleges and College of Education pre law issued by the 1st respondent as illegal and consequently direct the 1st respondent to issue fresh notification with appropriate modifications in 6(b) (ii) of Notification pertaining to PSTM reservation.

For Petitioner : Mr. S.Senthilnathan

For Respondents : M/s.P.Kavitha, GA

O R D E R

Writ Petition is filed for issuance of a Writ of declaration, declaring the entire process in pursuance of Notification No. 12/2019 dated 28.08.2019 & 04.10.2019 for appointment of Assistant Professor for Govt. Arts and Science Colleges and College of Education pre law issued by the 1st respondent as illegal and consequently direct the 1st respondent to issue fresh notification with appropriate modifications in 6 (b) (ii) of Notification pertaining to PSTM reservation.

2. Heard Mr. S.Senthilnathan, learned counsel appearing for the petitioner and Mrs. P.Kavitha, learned Government Advocate, appearing on behalf of the respondents.

3. The case of the petitioners is that the petitioner has studied his S.S.L.C and H.S.C through Tamil Medium of instructions during the year 2000 and 2002 respectively. The petitioner has also completed his Bachelor's Degree through Tamil Medium of instructions in the academic year 2005. During the academic year 2007, 2009 and 2011, the petitioner has completed his Master's Degree, M.Phil and Ph.D respectively though English Medium of instructions. With all above qualifications, the petitioner has applied for the post of Assistant Professor for Government Arts & Science Colleges as called for by the 1st respondent vide notification no.12/2019 dated 28.08.2019 and 04.10.2019. But on 04.11.2019, the petitioner's application was declared as not eligible for PSTM category. Therefore, the petitioner has sent representation to the respondents on 05.11.2019, but till date no action has been taken. Hence the writ petition.

4. Learned counsel appearing for the petitioner submitted as per the said notification, there is 25% reservation for the candidates who applied under PSTM quota. Since the petitioner has completed his portion of studies in tamil medium of instruction i.e., till his Bachelor degree, his candidature has to be considered as per G.O.Ms. No. 145 dated 30.09.2010.

5. On the other hand, the learned Government Advocate has submitted that the case of the petitioner cannot be considered under PSTM quota as per G.O.Ms.145 dated 30.09.2010. The definition clause is extracted below;

" 2.Definition:

(a) "direct recruitment" means first appointment of a person to any service under the State in accordance with the rules or regulations or orders in force;

(b) "persons studied in Tamil medium" means 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;"

6. The learned Government Advocate further submitted the the petitioner has studied in Tamil medium only upto his UG course and completed his Masters Degree, M.Phil and Ph.D in English medium of instruction, therefore he is not entitled to apply for

the said post under PSTM quota. The learned Government Advocate on instructions submitted that the petitioner is entitled to apply for the said post in general quota as per the said notification.

7. Considering the above submissions and the fact that petitioner has not studied his entire education in Tamil medium, his claim cannot be considered for reservation under PSTM quota. However, there is no bar for the petitioner to apply for the said post in general quota.

8. In view of the above, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman
Teachers Recruitment Board,
D.P.I. Chennai-600006.
2. The Government of Tamilnadu
rep.by its Secretary to Government,
Personnel and Administrative Reforms (S) Dept.,
Fort St.George, Chennai-600 009.

+1 CC to Mr. S.Senthilnathan, Advocate sr 94225

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PP(CO)
SP(09/12/2019)

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