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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31996 of 2019

and WMP.Nos. 32244 and 32245 of 2019

J. Prabhu

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Higher Education Department,
Secretariat, Chennai-600009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Campus, College Road,
Chennai-600006.

3.The Director of Collegiate Education,
9th Floor, E.V.K. Sampath Maaligai,
DPI Campus, College Road,
Chennai-600006.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's online application dated 05.11.2019 bearing User ID No. TRBAPG404660 sent in response to the 2nd respondent's Notification No. 12/2019 dated 28.08.2019, in the light of petitioner's representation dated 07.11.2019 and appoint the petitioner to the post of Assistant Professor (Chemistry) under "Persons Studies in Tamil Medium (PSTM) reservation on preferential basis", based on the petitioner's educational qualifications through Tamil Medium of Instructions upto Under Graduate Level i.e B.Sc (Chemistry) qualification level, along with M.Sc (Chemistry) M.Phil and Ph.D qualifications through English Medium within a time limit to be fixed by this Court.

For Petitioner : M/s.R.M. Makesh Kumaravel

For Respondents : Mr. V. Kandavelu,
Spl.GP (Education) -R1&R3
Mrs.P.Kavitha, GA - R2



O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's online application dated 05.11.2019 bearing User ID No. TRBAPG404660 sent in response to the 2nd respondent's Notification No. 12/2019 dated 28.08.2019, in the light of petitioner's representation dated 07.11.2019 and appoint the petitioner to the post of Assistant Professor (Chemistry) under "Persons Studies in Tamil Medium (PSTM) reservation on preferential basis", based on the petitioner's educational qualifications through Tamil Medium of Instructions upto Under Graduate Level i.e B.Sc (Chemistry) qualification level, along with M.Sc (Chemistry) M.Phil and Ph.D qualifications through English Medium within a time limit to be fixed by this Court.

2. Heard both sides and perused the document on record.

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 academic year 1996 and 1998 respectively. The petitioner has completed his Bachelor's Degree through Tamil Medium of instructions in the academic year 2001. During the academic year 2010 and 2017, 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 (Chemistry) 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 the petitioner's application was declared as not eligible for PSTM category. Therefore, the petitioner has sent representation to the respondents on 07.11.2019 by email and by speed post stating that M.Sc (Chemistry) was not taught in Tamil medium and therefore consider him based on the qualification acquired through Tamil Medium upto B.Sc (Chemistry), but till date no action has been taken by the respondents. 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;

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" 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.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1.The Secretary to Government
Higher Education Department,
Secretariat, Chennai-600009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Campus, College Road,
Chennai-600006.

3.The Director of Collegiate Education,
9th Floor, E.V.K. Sampath Maaligai,
DPI Campus, College Road,
Chennai-600006.

+lcc to M/s.R.M. Makesh Kumaravel, Advocate sr.94528
+lcc to Government Pleader SR.NO. 95121

W.P.No.31996 of 2019
and
WMP.Nos. 32244 and 32245 of 2019

kk(co)
nr 06/01/2020