

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.35055 of 2019
and
WMP Nos.35840 & 35887 of 2019

M.Arulsubaram

... Petitioner

.Vs.

- 1.Tamil Nadu Public Service Commission,
Rep.by its Secretary,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600 003.
- 2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600 003. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the publication of the impugned Result (List-OT) dated 09.12.2019 published by the 2nd respondent for the Posts included in Combined Civil Service Examination-I (Group-I Services) and quash the same as illegal and violative of the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil medium Act, 2010 (PSTM Act) and consequently direct the Respondents to revise the process of selection by applying Sec.2(d) of the PSTM Act for the entire educational qualifications prescribed and Sec.4 of the PSTM Act to entitle the Petitioner to compete under Non-PSTM categories also, for appointment by direct recruitment to the Posts included in Combined Civil Services Examination-I (Group-I Services).

For Petitioner : Mr.C.P.Sivamohan

For Respondents: Ms.C.N.G.Niraimathi
Standing Counsel

Mr.M.Devendran
Standing counsel for TNPSC

O R D E R

This Writ Petition has been filed challenging the results published by the 2nd respondent for the Posts included in the combined Civil Services Examination-I (Group-I Services) and for a consequential direction to the respondents to revise the process of selection and consider persons falling under the PSTM category only if they have undergone their studies throughout in Tamil medium.

2.The case of the petitioner is that he has completed his entire studies in Tamil medium including 10th, 12th standard and under graduation [B.Com]. The 1st respondent issued a notification dated 01.01.2019, through online mode calling for applications for direct recruitment for Group-I Services. The petitioner also applied for the selection on 17.01.2019. The petitioner even though had fulfilled all the qualifications, was not called for the oral test since he did not get the requisite cut off marks.

3.The petitioner has therefore challenged the entire selection under PSTM quota on the ground that persons who had not undergone their education in Tamil medium throughout and have only undergone the U.G. course in Tamil medium, have been considered for selection. This according to the petitioner goes against the object of the PSTM Act, 2010.

4.Mr.C.P.Sivamohan, learned counsel appearing on behalf of the petitioner submitted that the object of enactment of PSTM Act, 2010, is to create employment opportunities for persons who have studied in Tamil medium and who have very little chances of getting selected in the employment of Central Government or other States or in private sectors. The learned counsel submitted that the petitioner in this case comes from a remote village and he has studied through out only in Tamil. The learned counsel further elaborated by submitting that u/s 2(d) of the PSTM Act, persons studied in Tamil medium is defined as those persons who have obtained the educational qualifications or qualifications prescribed for direct recruitment to any appointment in the services under the State through Tamil medium of instruction. This according to the learned counsel for the petitioner must be given a meaning to the effect that the candidate must have acquired the qualification in 10th, 12th and under graduation only through Tamil medium. The learned counsel therefore submitted that the selection of candidates under PSTM quota requires interference.

5.The respondents have filed a counter affidavit in this case. It will be relevant to extract para 11 of the counter affidavit hereunder:

"11.In other words, as per the PSTM Act, 2010 & G.O.Ms.NO.145, P & AR(S) Department, dated 30.09.2010 the educational qualification prescribed for direct recruitment should have

been acquired through Tamil medium of Instruction i.e., if the prescribed educational qualification is Minimum General Educational Qualification (i.e., SSLC), then the applicant should have studied SSLC through Tamil medium of instruction. Likewise if the prescribed educational qualification is HSC/Degree/PG/Degree, then the applicant should have studied HSC/Degree/PG Degree through Tamil medium of instruction as the case may be. Following the same analogy, the selections had been made hitherto to the posts included in the said recruitments viz., Combined Civil Services Examination-I (Group-I) and other recruitments from the inception of PSTM Reservation."

6. Ms. Niraimathi, learned Standing Counsel appearing for the Public Service Commission submitted that the petitioner is trying to stretch the scope of the Act, beyond what is actually provided under the provisions of the Act. The learned counsel submitted that the minimum educational qualification that is provided in the notification only pertains to the qualification which is directly under consideration for selection. In a given case, the educational qualification may be 10th or 12th or U.G. or P.G. and in all those cases the concerned qualification which is considered to be the minimum qualification, must have been undergone in Tamil medium. The learned counsel therefore submitted that there is absolutely no ground to interfere with the selection list published by the respondents.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. The PSTM Act, 2010, was brought into force to provide preference for candidates in appointment in the service under the State who have obtained the educational qualification prescribed for direct recruitment through Tamil medium of instruction.

9. It will be relevant to extract the definition of persons studied in Tamil medium as provided under Section 2(d) of the Act.

2(d) "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 any medium of instruction other than Tamil.

10. A combined reading of the object of the Act and the definition clearly shows that preference in appointment is

given to those candidates who have obtained the educational qualification prescribed for direct recruitment through Tamil medium of instruction. There is absolutely no insistence in the entire Act, that a candidate should have gone through the entire education right from the beginning only in Tamil medium. It will not be possible to read into the Act, such an expanded version as attempted to be projected by the learned counsel for the petitioner. It will be normally found that only those persons who had undergone their education in Tamil medium in School, will only prefer to do the U.G or P.G course in Tamil medium. It will be an arduous task to undergo an U.G or P.G course directly in Tamil medium without having the basic exposure in those subjects through Tamil medium while studying 10th or 12th standard. It will also be very difficult for the Public Service Commission to scrutinise for every candidate and find out if they have undergone their education only in Tamil medium right through. This will make the process of selection very complicated.

11.The insistence made under the Act is to only see if the candidate who applies for the direct appointment, has obtained the educational qualification prescribed by the notification through Tamil medium of instruction. Therefore, it is enough if the Tamil Nadu Public Service Commission satisfy themselves that the prescribed educational qualification was acquired by the candidate through Tamil medium of instruction. The stand taken by the Tamil Nadu Public Service Commission is well within the scope of the PSTM Act, 2010.

12.This Court is not in agreement with the submissions made by the learned counsel for the petitioner and this Court does not find any grounds to interfere with the selection list published by the 2nd respondent.

In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Secretary,

Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town, Chennai 600 003.

2.The Controller of Examinations,

Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town, Chennai 600 003.

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