



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.13700 of 2013

and

M.P. (MD) No.1 of 2013

M.Baskaran

... Petitioner

-Vs-

1.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

2.The Registrar,
Dr.Ambedkar Law University,
Chennai.

3.The Controller of Examination,
Dr.Ambedkar Law University,
Chennai.

4.The Principal,
Government Law College,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the name of the petitioner with register no.10224189 for the preferential appointment as he studied 5 years B.L. Degree course through Tamil Medium and provide preferential appointment to the petitioner in the recruitment (direct) posts included in Combined Subordinate Services Examination-I, 2011-13.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider the name of the writ petitioner for the preferential appointment under the PSTM quota.

2.The writ petitioner participated in the process of selection for appointment to the post included in Combined Subordinate Services Examination-I, for the year 2011-13. At the time of participating in the process of selection, the writ

petitioner has not mentioned that he had not produced any certificate to show that the petitioner has completed her educational course through Tamil medium. In the absence of producing any valid certificate, the preferential category and the quota under PSTM cannot be granted by the respondents. The brochures and the instructions provided to the candidates clearly states that the certificates must be provided, in the absence of any such certificates, candidates will be considered under the general category and the case of the writ petitioner was also considered under the general category and he was not within the zone of consideration and consequently not selected. The details regarding the petitioners' qualification is narrated in paragraph No.8 of the counter affidavit filed by the first respondent which is extracted hereunder:-

"..8.It is submitted that the petitioner Thiru.M.Baskaran (Rank No.1567) attended the counselling on 09.03.2013. During the Certificate verification the petitioner failed to produce the certificate for having studied his B.A., B.L., degree in Tamil Medium, hence the petitioner's eligibility was verified with regard to Written Examination marks. The petitioner had secured only 225.00 marks in the Written Examination. The marks of the last candidate admitted to the Oral Test in the Backward Class category are as follows:

S.No.	Community	Marks obtained by the last candidate	Date of Birth	Post Name
1	BC (G)	226.50	18.12.1980	Common Degree posts
2	BC (G) PSTM	223.50	06.06.1987	Common Degree posts

2.In view of the fact that the writ petitioner was not selected and further he was not eligible to avail preferential quota of PSTM, the relief as such sought for in the present writ petition cannot be granted.

3.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P AND A)

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To

1.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

2.The Registrar,
Dr.Ambedkar Law University,
Chennai.

3.The Controller of Examination,
Dr.Ambedkar Law University,
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4.The Principal,
Government Law College,
Madurai.

+1 CC to M/s.JEYAKARTHIK, Advocate (SR-77946[F] dated 26/07/2019)

+1 CC to M/s.SPL GP (SR-77948[F] dated 26/07/2019)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-78290[F] dated 29/07/2019)

W.P. (MD) .No.13700 of 2013
25.07.2019

KK/SAR/07.08.2019/3P-8C/