



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twelfth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP (MD) No.7087 of 2019
IN
WP (MD) No.8806 of 2019

S.VANITHA

... PETITIONER/ PETITIONER

Vs

1 THE DIRECTORATE OF LEGAL STUDIES,
REP. BY ITS DIRECTOR,
198, PURASIWAKKAM HIGH ROAD,
PAYAPURI COLONY,
LUMBINI SQUARE PURASIWAKKAM,
CHENNAI-10

2 THE PRINCIPAL
MADURAI LAW COLLEGE, MADURAI.

3 THE CHAIRMAN,
TAMILNADU PUBLIC SERVICE COMMISSION,
PARK TOWN, VOC NAGAR, CHENNAI-3

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Ad Interim Direction directing the 3rd respondent to permit the petitioner to write the Group-I main exam schedule to be held on 12.07.2019, 13.07.2019 and 14.07.2019 pending disposal of the main writ petition in W.P(MD).No. 8806 of 2019 and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.THALAIMUTHARASU, Advocate for Mr.D.SELVANAYAGAM, Advocate for the petitioner and of Mr.D.SIVARAMAN, Advocate on behalf of the Respondent, While admitting the WP., the court made the following order:-

The petitioner belongs to scheduled caste community. She is also physically challenged person. The petitioner had written the subjects in B.L. degree examination only in tamil. According to the petitioner, she is eligible to be considered under PSTM category. The petitioner submitted her online application in response to the combined Group-I notification issued by the third respondent commission. In the said online application, the petitioner had mentioned that the medium of instruction was tamil. She had also answered in the affirmative to the question whether she wants



reservation under PSTM category. The petitioner submitted an application before the second respondent seeking issuance of PSTM certificate. The petitioner's request was rejected by the second respondent by the impugned order dated 08.04.2019. The same is under challenge in this writ petition.

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2.It is not in dispute that the issue with regard to awarding of PSTM certificate has been referred to Larger Bench vide order dated 27.02.2019 in W.P.(MD)Nos.27127 of 2018 and etc., batch. Therefore the out come of this writ petition will depend on the answer to be given by the Larger Bench with regard to the issue raised in the aforesaid order dated 27.02.2019.

3.That is why, this Court admits the writ petition. Now the question that arises is whether the petitioner is entitled to any relief in the writ miscellaneous petition. The learned standing counsel appearing for the third respondent submitted that the petitioner had made a false claim in her application. It is true that the petitioner had cleared the preliminary examination. But the certificate will have to be uploaded between 10.09.2015 and 26.04.2019. The petitioner is not having the PSTM certificate. Therefore, they wanted this Court to dismiss the writ miscellaneous petition. I went through the contents of the online application. While there is a specific question with regard to the possession of any national award for physical efficiency, as regards the reservation under PSTM category, the question posed is whether the applicant wants to claim reservation. The application does not stipulate that the applicant at the time of submitting the application must possess PSTM Certificate. Of course, as contended by the learned standing counsel appearing for the third respondent/commission, it must be produced at the time of certificate verification. In this case, the petitioner is in a quandary. The matter has been referred to Larger Bench. Assuming that the answer given by the Larger Bench is in favour of the writ petitioner, the clock cannot be put back. Therefore, I hold that the balance of convenience is in the petitioner's favour. Of course, the right of the petitioner would abide by the out come of the reference made to the Larger Bench. Therefore, this Court directs the third respondent to permit the petitioner to write the Group - I main examination. The petitioner's result shall not be published. The petitioner shall not also claim any equity.

4.The writ miscellaneous petition stands allowed accordingly.

sd/-
12/04/2019

/ TRUE COPY /



TO

1 THE DIRECTOR,
THE DIRECTORATE OF LEGAL STUDIES,
198, PURASIWAKKAM HIGH ROAD,
PAYAPURI COLONY,
LUMBINI SQUARE PURASIWAKKAM,
CHENNAI-10

2 THE PRINCIPAL
MADURAI LAW COLLEGE, MADURAI.

3 THE CHAIRMAN,
TAMILNADU PUBLIC SERVICE COMMISSION,
PARK TOWN, VOC NAGAR, CHENNAI-3

+1. C.C. to Mr.D.SELVANAYAGAM Advocate SR.No.6726

ORDER
IN
WMP(MD) No.7087 of 2019
IN
WP(MD) No.8806 of 2019
Date :12/04/2019

MS/MMS/SAR-1/15.04.2019/3P.5C