



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21212 of 2019

and

W.M.P(MD)No.17855 of 2019

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K.Mahalakshmi

... Petitioner

vs.

1.The Registrar,
Dr. Ambedkar Law University,
No.5, Greenways Road,
Chennai.

2.The Principal,
Madurai Government Law College,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to issue PSTM Certificate to the petitioner.

For Petitioner : Mr.R.Venkatesan

For R - 1 : Mr.R.Parthiban

For R - 2 : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

Mr.R.Venkatesan, learned counsel on record for writ petitioner, Mr.R.Parthiban, learned counsel, who accepts notice on behalf of first respondent and Mr.K.Mu.Muthu, learned Additional Government Pleader, who accepts notice on behalf of second respondent are before this Court.

2.With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3.The entire writ petition turns on a very narrow compass. Suffice to say that writ petitioner completed B.A.B.L Law course in the second respondent College, after having initially studied for two months in Tirunelveli Law College.

4.It is the case of writ petitioner that she studied in Tamil medium and she is entitled to what is known as 'PSTM' Certificate from the second respondent. To be noted, this Court is informed that



'PSTM' stands for 'Persons Studied in Tamil Medium'. It is submitted that PSTM Certificate is required to enable the writ petitioner to apply for the post of civil Judge. It is submitted that 10.10.2019 is the last date of submission of application to 'Tamil Nadu Public Service Commission' ('TNPSC' for brevity).

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5. In some similar writ petitions where PSTM Certificates were sought from the Colleges concerned, the issue was referred to a Full Bench owing to a referral made in W.P.No.27127 of 2018 etc., A Hon'ble Full Bench heard the referral which has been formulated in the form of three questions. In sum and substance they turn on parameters for being eligible to claim PSTM quota / reservation.

6. A Hon'ble Division Bench has now disposed of the reference by a detailed order dated 27.09.2019 giving guidelines in this regard which is contained in paragraph 30 of the order.

7. For the sake of convenience and clarity, the issues which the Hon'ble Full Bench addressed and paragraph 30 are extracted, reproduced infra and the same read as follows:

'(i) Whether studied the Course in Tamil and having written University examinations in Tamil language will qualify the candidate for claiming reservation against Persons Studied in Tamil Medium (PSTM)?

(ii) In the absence of Tamil Medium of Instructions in the Colleges, whether the candidates studied the Courses in Tamil, or having written examinations in Tamil can be placed on par with PSTM Candidates for the purpose of claiming reservation earmarked for PSTM?

(iii) Whether the Tamil Medium of Instruction is in vogue and is available in law colleges run by the State Universities and if available, from what period the courses have been commenced in Tamil Medium and whether the same has been continuing uninterruptedly upto which period? If Tamil Medium of Instruction is available, factually which are the Law Colleges run by the State Universities conducting the Law Course in Tamil as Medium of Instruction?

.....

30. For the purpose of recognising a candidate, within the realm of selection to employment in Government services, under PSTM category, a candidate should have studied in Tamil as medium of instruction. Therefore, in order to avail the benefit of reservation earmarked under PSTM category, a candidate has to furnish a certificate to the effect that he or she studied in Tamil as



medium of instruction. Such certificate will be issued by the Head of the Institution/Registrar or Principal of the College, as has been contemplated under G.O. (Ms) No.145, Personnel and Administrative Reforms Department dated 30.09.2010, in the prescribed format, certifying that he or she studied the course in Tamil by indicating the duration (academic year) during which the candidate pursued the course. It is this certificate which will form the basis for recognising a candidate for having studied in Tamil medium of instruction so as to enable him or her to get the benefit of reservation under PSTM category. It is needless to mention that merely because a candidate writes the academic examination or competitive examination in Tamil, it will not recognise such candidate to get the reservation under PSTM category. The requirement is that a Certificate issued by the Head of the Institution/Registrar or Principal of the college, in the prescribed format, certifying that he was imparted with the course in Tamil as medium of instruction, has to be furnished, so as to enable a person to get the benefits of reservation under PSTM category. In the absence of such a certificate, a candidate cannot be regarded or recognised as a preferential candidate, who can avail the benefit of reservation under PSTM category. In other words, if such a certificate is not produced, he or she cannot be recognised as a candidate, who can be extended the benefit of reservation under PSTM category. Therefore, we hold that compliance of the requirements contemplated under G.O. (Ms) No.145 dated 30.09.2010 to furnish a certificate issued by the Head of the institution/Principal or Registrar of the College, in the prescribed format, is a mandatory requirement to get the benefit of concession and/or reservation earmarked by the State under PSTM category. We therefore answer the reference made to us as follows:

(i) A person who studied the Course in Tamil or had written the University or Competitive examination in Tamil will not ipso facto recognise or qualify him or her to claim reservation under Persons Studied in Tamil Medium (PSTM) category

(ii) Even though a person opted for Tamil as Medium of Instructions in the Colleges or studied the Courses in Tamil or written



examinations in Tamil, in the absence of a certificate issued by the Registrar/Principal or Head of the Institution in the prescribed format stating that he or she pursued the education in Tamil as Medium of Instruction throughout, he or she cannot be placed on par with PSTM Candidates for the purpose of claiming reservation under the preference quota

(iii) Tamil, as Medium of Instruction, is not in vogue in certain colleges, or rather to say, Law Degrees are not imparted in Tamil as a Medium of Instructions. Only in few colleges, Law Degrees are imparted in Tamil as Medium of Instructions and in some other colleges, it is being imparted intermittently. Only if a student pursued the entire Course in Tamil and obtained a Certificate to that effect from the head of the institution/Registrar or Principal of the College, will he or she be declared as the one who is eligible to claim preference in public employment under PSTM category. As on date, Law Colleges at Chennai, Madurai, Coimbatore, Tiruchirapalli, Tirunelveli and Chengalpattu are imparting the courses in Tamil as medium of instruction, as could be evident from G.O. Ms. No.33, Law (LS) Department dated 31.01.2017 as well as the counter affidavit filed by Director of Legal Studies, Chennai.'

8.Writ petitioner has already submitted a 'representation / application to the second respondent dated 30.09.2019 requesting for PSTM Certificate' (hereinafter referred to as 'said representation / application' for brevity, clarity and convenience).

9.Learned State counsel for second respondent, on instructions, submits that said representation / application will be considered and disposed of in accordance with the guidelines of the Hon'ble Full Bench by tomorrow (04.10.2019, Friday). This is recorded.

10.Said representation / application shall be considered and disposed of in accordance with the guidelines of the Hon'ble Full Bench by close of working hours tomorrow (04.10.2019).

11.It is made clear that if said representation / application is answered in the affirmative, PSTM Certificate shall be given to writ petitioner and if it is answered in the negative, the negating order shall be served on the writ petitioner, who shall collect the PSTM Certificate or negating order (as the case may be) in person from the office of the second respondent tomorrow



(04.10.2019) between 04.00 p.m., and 05.00 p.m. Though obvious, it is made clear that this Court has not expressed any view on the merits of the said representation / application.

12.Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Registrar,
Dr. Ambedkar Law University,
No.5, Greenways Road,
Chennai.

2.The Principal,
Madurai Government Law College,
Madurai.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-91139[F] dated 03/10/2019)

+1 CC to M/s.GP (SR-91161[F] dated 03/10/2019)

W.P (MD) No.21212 of 2019
03.10.2019

PS

KK/SAR/03.10.2019/5P-5C/