

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 16631 OF 2013

N.Megarajan

.. Petitioner

- Vs -

1.The Secretary
Tamil Nadu Public Service Commission,
Chennai 6.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai 6.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Madamus, directing the 1st respondent to consider and pass appropriate order on petitioner's representation dated 8.1.2013 for appointment under 20% PSTM (persons studied in Tamil Medium) quota and grant such other further relief.

For Petitioner : Mr.S.Sivakumar

For Respondents: Mr. N.Balamurali Krishnan for RR1 to 2

ORDER

This Writ Petition was filed by the petitioner to direct the 1st respondent to consider and pass appropriate order on petitioner's representation dated 8.1.2013 for appointment under 20% PSTM (persons studied in Tamil Medium) quota and grant such other further relief.

2.The case of the petitioner is that the petitioner belongs to backward class community and being a Science graduate (Botany) and completed his studies i.e., SSLC, HSC and UG course in Tamil medium. It is the averment made by the petitioner that the 1st respondent, TNPSC issued an advertisement No.258/2010 inviting applications from the eligible candidates for the direct recruitment to the posts included in combined subordinate services examination I (CSSE-I). As per the said notification,

the 1st respondent has notified that 20% has been reserved for the persons studied in Tamil Medium as per G.O.Ms.No.145 (P&AR, Dept.) dated 30.9.2010 and further informed that the distribution of vacancies has not been announced since the clarification from the government is awaited. According to the petitioner, he applied for the post with a separate enclosure claiming that he belongs to PSTM category. The grievance of the petitioner is that though his application was accepted and he was also provided with hall ticket for the written examination which was held on 30.7.2011, thereafter no communication has been received, After a long delay in publishing the result of the written examination, to his shock and surprise the 2nd respondent published the provisional list on 2.8.2012 and 17.8.2012 for oral test in which the petitioner's name was not found and his name was not considered under special category i.e. PSTM (20% reservation). Left with no other alternative, the petitioner has approached this Court by filing this petition with the above said prayer.

3.Learned counsel appearing for the petitioner submitted that the petitioner filed this petition for issuing mandamus directing the 1st respondent to consider and pass appropriate orders on the petitioner's representation made on 8.1.2013 for appointment to the post under special category i.e., PSTM @ 20% reservation. The petitioner participated in the examination and scored 214.50 marks. However though the petitioner enclosed degree certificate which shows the petitioner has studied degree course in Tamil Medium, however the TNPSC authorities have not considered the same and thereafter the petitioner made a representation to the respondents to consider his name under the reservation quota, however the petitioner's representation was not considered, hence the present petition. Though the petitioner separately annexed his degree certificate which contains the medium of instruction, however, the petitioner was insisted to provide a separate certificate to the said effect, which is unsustainable.

4.On the above contention, this Court heard the learned standing counsel appearing for the respondents commission, who submits that the petitioner did not annexe the separate certificate which indicates the medium of instructions and more particularly on those days the medium of instruction is not available in the certificate. Without enclosing the said certificate, the petitioner cannot be considered under 20% PSTM reservation quota, which was available for candidates who pursued their course in Tamil Medium.

5.Heard both side arguments and perused the materials available on record.

6. It transpires from the records, which is not in dispute, that the application was submitted by the petitioner; however learned standing counsel appearing for the respondent rightly pointed out that in the times when the petitioner obtained his degree, the medium of instruction does not find place in the degree certificate. Further, it is to be pointed out that the degree certificate is not produced in the typed set of documents to substantiate the case that medium of instruction is available in the said certificate. In such circumstances, insistence on producing a separate certificate certifying that the petitioner has studied in tamil medium is a necessity to be considered under the said quota. The petitioner having not annexed such a certificate as is required by the respondents to consider his case under the said quota, the prayer as sought for by the petitioner cannot be acceded to.

7. For the reasons aforesaid, this Writ Petition stands dismissed. However there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

jrs

To

1.The Secretary
Tamil Nadu Public Service Commission,
Chennai 6.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai 6.

+lcc to Mr.S.Sivakumar, Advocate SR.No.29048

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NMI (CO)
GMY (21/10/2020)