



WEB COPY

W.P.(MD)No.14424 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14424 of 2020
W.M.P (MD) .Nos.12080 & 12081 of 2020

C.Gopala Krishnan

.. Petitioner

Vs

1. The Tamil Nadu Public Service Commission,
Rep. by it's Secretary,
TNPSC Road, VOC Road,
Park Town, Chennai - 600 003.
2. The Controller of Examinations,
TNPSC,
TNPSC Road, VOC Road,
Park Town, Chennai - 600 003.
3. The Secretary to Government of Tamil Nadu,
Law Department, Fort St.George,
Chennai - 600 009.
4. The Registrar General,
Madras High Court,
Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated NIL passed against the petitioner in Application No.925002767 by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to allow the petitioner to participate in all further selection process for the post of Civil Judge in Tamil Nadu State Judicial Service vide notification No.25/2019 of the first respondent.



For Petitioner

: Mr.V.Angusamy

For respondents

: Mr.K.K.Senthil,
Standing Counsel,
for R1 and R2
Mr.B.Vijay for R4

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ORDER

[Order of the Court was made by **The Hon'ble Chief Justice**]

Heard Mr.V.Angusamy, learned Counsel for the petitioner, Mr.K.K.Senthil, learned Standing Counsel for the respondents 1 and 2 and Mr.B.Vijay, learned Counsel for the fourth respondent.

2. The argument of the learned Counsel for the petitioner is that even though the petitioner had filled up the application form indicating that his medium of instruction was Tamil, yet it is not disputed that the petitioner had obtained the degree of Law from Coimbatore Law College, which does not have any sanctioned course in law teaching in Tamil and the medium of instruction admittedly is in English.

3. What the learned Counsel for the petitioner seems to contend is that since the petitioner had attempted his answers in the examination of law in Tamil, he had given this information. This will also not help the petitioner in view of the clear instructions contained in Clause-16B, which is reproduced hereunder:-

"16.B In G.O.(Ms.) No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2020, and G.O.(Ms.) No.40, Personnel and Administrative Reforms (S) Department, dated 30.04.2014, the Government have issued orders to fill 20% of all vacancies in direct recruitment on preferential basis to persons who studied the prescribed qualifying course in Tamil Medium. The 20% reservation of vacancies on preferential allotment to Persons who studied in Tamil Medium (PSTM) will apply to this recruitment. Applicants claiming this reservation must have studied the preferential qualifying course for the post in Tamil Medium and should have the certificate for the same. Having written the University Examinations or Competitive Examinations in Tamil language along will not qualify the candidate for claiming this reservation. If the Applicants with PSTM certificate are not available for selection for



appointment against reserved turn, such turn shall be filled by Non-PSTM Applicants but belonging to the respective communal category. The PSTM certificate shall be produced by the applicant in prescribed format/proforma available in the Commission's website at 'WWW.tnpsc.gov.in' which shall be obtained from the Head of the Institution and submitted when called for by the commission.

(For further details refer para.27(XIX) of "Instructions to Applicants")

Note:-

While filling the online application form, the applicants shall verify their eligibility to claim reservation under PSTM. At the time of certificate verification, if any wrong claim is detected, the candidature of the individual will be rejected."

4. Learned Counsel for the petitioner then contended that as a matter of fact, the petitioner never intended to claim any such benefit on account of he having pursued his course in English language and inasmuch as while uploading the form, there was a query on the website by the Tamil Nadu Public Service Commission, as to whether the applicant is claiming the benefit under PSTM category or not, against which, he had marked it as "NO". However, when the copy of the application form was downloaded, the said query and answer was absent.

5. Mr.K.K.Senthil, learned Counsel for the TNPSC, submits that there was no such column and it is a bald allegation made in the affidavit without any supporting document.

6. We perused the application and we do not find any query or column with regard to claiming benefits of PSTM category. To the contrary, the petitioner appears to have signed the declaration form, which is in Clause-14, which contains the following recital:-

"14. I have studied the prescribed qualification in Tamil medium, I am aware that my application will summarily be rejected, if I fail to produce the evidence for having studied the prescribed qualification (S) in Tamil MEDIUM/PSTM certificate as and when called for."

7. Apart from this, the documents submitted by him at Sl.No.8 indicates the PSTM Certificate. These additional facts therefore, in no way support the oral argument, that have been advanced on the basis of the affidavit and therefore, the conclusion drawn by the TNPSC that his application is being rejected as there was a wrong mentioning of the medium of instruction as Tamil appears to be



correct.

8. We do not find any factual or legal error in rejection of the application form of the petitioner.

9. Accordingly, writ petition is dismissed. No costs. Consequently, connected MPs are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj/pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Road,
Park Town, Chennai - 600 003.
2. The Controller of Examinations,
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3. The Secretary to Government of Tamil Nadu,
Law Department, Fort St.George, Chennai - 600 009.
4. The Registrar General,
Madras High Court, Chennai.

+1 CC to M/s.K.K. SENTHIL, Advocate (SR-20131[F] dated 15/10/2020)

W.P.(MD) No.14424 of 2020

15.10.2020

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