



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Wednesday, the Sixteenth day of December Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr.Justice N.KIRUBAKARAN

AND

The Hon'ble Mr.Justice B.PUGALENDHI

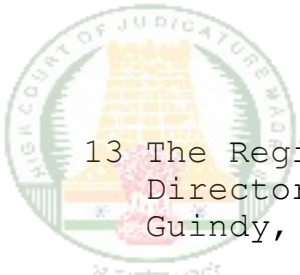
WP(MD). No.8025 of 2020

G.Sakthi Rao

...Petitioner

Vs

- 1 The Chief Secretary to Government of Tamil Nadu
Secretariat, St.George Fort, Chennai - 600 009
- 2 The Secretary, Dept. of Higher Education,
Govt. of Tamil Nadu, Secretariat St.George Fort Chennai
- 3 The Secretary, Tamilnadu Public Service Commission,
TNPSC Road, Park Town, Chennai - 600 003
- 4 The Registrar, Alagappa University, Alagappa Nagar,
Karaikudi - 3
- 5 The Registrar, Annamalai University, Annamalainagar,
Chidambaram - 608 002
- 6 The Registrar, Bharathiar University, Coimbatore - 641 046.
- 7 The Registrar, Bharathidasan University Tiruchirapalli.
- 8 The Registrar, Madras University, Chennai - 600 005.
- 9 The Registrar, Madurai Kamraj University, Madurai 625 021.
- 10 The Registrar, Manonmaniam Sundaranar University,
Thirunelveli - 12
- 11 The Registrar, Mother Teresa Womens University,
Kodaikanal - 102
- 12 The Registrar, Periyar University, Salem - 11



13 The Registrar, Tamil Nadu Open University,
Directorate of Technical Education Campus,
Guindy, Chennai-25

14 The Chairman, University Grants Commission(UGC),
Bahadur Shah Zafar Marg, New Delhi - 110 002.

15 The Secretary to His Excellency,
The Governor of Tamil Nadu, Raj Bhavan, Chennai 600 022.
(R15 is Suo Motu Impleaded Vide Court Order Dated 04.12.2020)

16 The Director of Vigilance and Anti- Corruption,
No.293 MKN Road, Alandur, Chennai 600 016.

17 The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
1/165G, Alagar Kovil Main Road, Madurai 625 002.

18 The Secretary, School Education Department,
Namakkal Kavignar Maligai, Fort St. George Chennai - 9
(R16 to R18 are Suo Motu Impleaded Vide Court Order dated
16.12.2020) ... Respondents

Prayer in WP(MD).No.8025 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ order or any other Writ or order or Direction in the nature of a writ of Certiorarified Mandamus calling for the entire records of the 3rd Respondent pertaining to the posts of included in Combined Civil service-I Examination (Group-1 services)-2020 by 3rd respondent notification No.01/2020 dated 20.1.2020 and quash the same as illegal and direct the 3rd respondent to allow only the candidate those who are complete their entire education through i.e 10th Std., 12th std., Degree in tamil medium to avail PSTM quota. And also directing the 1st respondent frame proper rules for PSTM quota and Respondents University 4 to 13 stop issue PSTM certificates to Distance Education Course within stipulated time period.

ORDER :

Writ Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.G.SAKTHI RAO, Party in Person and of Mr.K.CHELLAPANDIAN, Additional Advocate General Assisted by Mrs.J.PADMAVATHI DEVI, Special Government Pleader on behalf of the Respondents 1 & 2 and Mr.K.K.SENTHIL, Advocate for 3rd Respondent and MR.VR.SHANMUGANATHAN, Advocate for 7th Respondent, Mr.Sanjai Gandhi, Advocate for the 13th Respondent and of Mr.Issac Mohanlal, Senior Counsel for the Respondents No.4,5,9 and 12, the court made

<https://hdcres.court.gov.in/home> order:-



(Order of the Court was made by N.KIRUBAKARAN, J.)

This Writ Petition has been filed challenging the Notification issued by the third respondent - TNPSC, dated 20.01.2020, stating that the candidates, who have not completed their education in 10+2+3 pattern through Tamil Medium, are allowed to avail PSTM [Person studied in Tamil Medium] Quota, which is against the intention of the Legislature.

2.This Court has already directed the TNPSC to produce the list of candidates, who have been selected under the PSTM quota for the past four years and the persons, who got appointment under 20% reservation for Tamil Medium Students, by getting Degrees alone in Tamil Medium. Accordingly, the TNPSC filed a list of candidates, who have been selected under the Tamil Medium quota.

3.A perusal of the list filed by the TNPSC would reveal that many persons though studied in English Medium in School, after considerable lapse of time, obtained Degrees through Distance Education in Tamil Medium. The said Degrees have been obtained mostly from two Universities viz., Madurai Kamaraj University and Annamalai University. The Madurai Kamaraj University granted Degrees in History.

4.At this juncture, the Petitioner/Party-in-Person pointed out that those Degrees have been obtained fraudulently and investigation is being conducted with regard to issuance of fake Certificates for 500 Students in Madurai Kamaraj University.

5.Mr.Isaac Mohanlal, learned Senior Counsel appearing for the respondents 4, 5, 9 and 12 conceded that with regard to fake Certificates, an enquiry is being conducted by the Directorate of Vigilance and Anti-Corruption and the Madurai Kamaraj University also suspended the Additional Controller of Examinations [Distance Education]. Madurai Kamaraj University cannot go ahead with the Departmental Proceedings in view of the Writ Petition filed by the said delinquent in W.P.(MD)No.23069 of 2019 and an interim stay has been obtained by him on 01.11.2019.

6.The Petitioner/Party-in-Person also pointed out that the candidates, who have been selected under 20% reservation for Tamil Medium Students quota would have got the fake Certificates from the Madurai Kamaraj University. Therefore, this Court deems it fit and appropriate to tag this Writ Petition along with W.P.(MD)No.23069 of 2019.

7.A list of persons, who have been issued with 500 fake Certificates from the Madurai Kamaraj University should be filed before this Court by Mr.Isaac Monhanlal, learned Senior Counsel appearing for Madurai Kamaraj University, so that, this Court will be in a position to see, whether the persons, who got those fake



Certificates, used the same Certificates for getting appointment under 20% reservation for Tamil Medium Students, which is a subject matter of this Writ Petition.

8.The Petitioner/Party-in-Person submitted that Madurai Kamaraj University has placed three people, namely, M.Rajarajan, Additional Controller of Examinations, R.Sathiyamoorthy, Superintendent of Electronic Data Processing and J.Karthigai Selvan, Computer Programmer, under suspension in connection with a scam involving issuance of over 500 fake Provisional Certificates and fake Mark Sheets.

9.Since the departmental proceedings has been initiated against the said M.Rajarajan and two others with regard to issuance of fake Certificates, as rightly pointed out by the Petitioner/Party-in-Person, some of the candidates might have availed the benefit under 20% reservation for Tamil Medium Students quota.

10.The learned Senior Counsel appearing for Madurai Kamaraj University would submit that the entire papers have been handed over to the Vigilance and Anti-Corruption Wing, Madurai.

11.Therefore, in order to ascertain the stage of investigation, this Court *suo motu* impleads the Director of Vigilance and Anti-Corruption, No.293, MKN Road, Alandur, Chennai - 600 016 and the Deputy Superintendent of Police, Vigilance and Anti-Corruption, 1/165G, Alagar Kovil Main Road, Madurai - 625 002, as respondents 16 and 17. Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the newly impleaded respondents 16 and 17.

12.The Deputy Superintendent of Police, Vigilance and Anti-Corruption, Madurai, is directed to be present before this Court along with the concerned C.D., file on **17.12.2020 at 02.15 p.m.**

13.Further, in this matter, since medium of instruction is involved right from the schooling onwards, this Court *suo motu* impleads the Secretary, School Education Department, Namakkal Kavignar Maaligai, Fort St. George, Chennai - 600 009, as 18th respondent. Mrs.S.Srimathy, learned Special Government Pleader takes notice for the newly impleaded 18th respondent.

14. Registry is directed to carry out necessary amendments in the cause title.

15. A perusal of the certificates produced before this Court especially, 10th and +2 Mark Sheets, would reveal that there is no entry with regard to medium of instruction. When there is 20% reservation for Tamil Medium Students, it is appropriate for the educational authorities to indicate in the Certificates viz., 10th, +2 Mark Sheets and other Educational Qualification Certificates to



show the medium of instruction, so that, it will prove, whether the candidate studied in Tamil Medium or in any other Medium.

16.Call the matter on 17.12.2020, at 02.15 p.m. as second case along with W.P. (MD)Nos.23069 of 2019 and 1198 of 2020.

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Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1 The Chief Secretary to Government of Tamil Nadu
Secretariat, St.George Fort, Chennai - 600 009
- 2 The Secretary, Dept. of Higher Education,
Govt. of Tamil Nadu, Secretariat St.George Fort Chennai
- 3 The Secretary, Tamilnadu Public Service Commission,
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- 18 The Secretary, School Education Department,
Namakkal Kavignar Maligai, Fort St. George Chennai - 9
- 19 The Special Government Pleader,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.
(To List the matter on 17.12.2020 at 02.15 p.m. As second
case along with WP(MD).No.23069 of 2019 and 1198 of 2020)

NS(CO)
TR(17.12.2020) 6P 21C