



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.104 of 2019

and C.M.P. (MD) No.742 of 2019

WEB COPY

The Principal,
Government Law College,
Madurai.

... Appellant/Respondent No.3

Vs

1.A.B.Jeeva

... 1st Respondent/Writ Petitioner

2.The Director of Legal Studies,
Purasawalkam High Road,
Opp. to Naidu Hall,
Kilpauk, Chennai - 600 010.

...2nd Respondent/Respondent No.1

3.The Registrar,
The Tamil Nadu Dr. Ambedkar Law University,
Poompozhi,
No.5, Dr. D.G.S. Dinakaran Salai,
Chennai - 600 028.

... Respondents 2 & 3/Respondents 2 & 3

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 08.10.2018, passed in W.P(MD)No.19244 of 2018.

Prayer in WP(MD). 19244/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus direction, to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka. No 875/a4/2018, dated 14.08.2018 and quash the same, consequently direct the 3rd respondent to issue the person studied in Tamil Medium certificate (PSTM) and pass..

For Appellant : Mr.A.K.Manickam
Standing Counsel for Government

For Respondent No.1 : Mr.M.Jegadeesh Pandian

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**]

Heard Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the appellant and Mr.M.Jegadeesh Pandian, learned

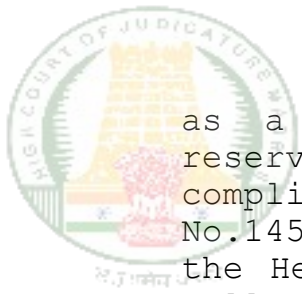


counsel for respondent No.1.

2.This Writ Appeal is directed against the order and direction issued by the learned Single Judge dated 08.10.2018, in W.P.(MD) No.19244 of 2018. The said Writ Petition was filed by the first respondent herein, praying for setting aside the order passed by the appellant dated 14.08.2018 and consequently, to direct the appellant to issue the Person Studied in Tamil Medium (PSTM) Certificate. The Writ Petition was allowed. Challenging the same, the present Writ Appeal has been filed.

3.The legal issue as to what are the parameters, which have to be fulfilled by the person who claims reservation under the PSTM Category was the subject matter of consideration before the Hon'ble Full Bench of this Court in the case of **R.Boominathan v. Government of Tamil Nadu [(2019) 7 MLJ 385 (FB)]**. The operative portion of the judgment reads as follows:

"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



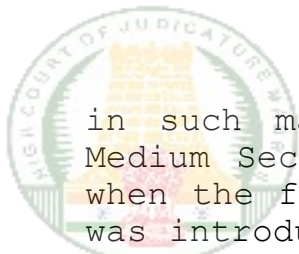
as a candidate, who can be extended the benefit of reservation under PSTM category. Therefore, we hold that compliance of the requirements contemplated under G.O. (Ms) No.145 dated 30.09.2010 to furnish a certificate issued by the Head of the institution/Principal or Registrar of the College, in the 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."

4.The case of the appellant as noticed by the learned Single Judge is that Tamil Medium of instruction was introduced during the academic year 1978 - 1979 and there is a separate Tamil Medium section was created in Government Law College, Madurai. In our considered view, there is a fundamental error in the approach because the reservation is a special reservation and unless and until the candidate fulfill all the qualifications stipulated in the Government Order, such concession cannot be extended. The Court cannot dilute or modify or add any words and substitute its opinion



in such matters. It is undisputed fact that there was no Tamil Medium Section in Government Law College, Madurai during the time, when the first respondent pursued five years B.A.B.L. Course and it was introduced only in the year 2013-2014. Therefore, merely because Government took a policy decision to admit students in Tamil Medium during 1978 - 1979, cannot be by any stretch of imagination be a reason for issuing certificate to the first respondent as he is a PSTM candidate. It may be true that the first respondent expressed his willingness to join Tamil Medium class, but the fact remains that there was no tamil medium class. Therefore, merely because Professors and Lecturers in the Government Law Colleges are bilingual and merely because candidates are given option to answer the questions either in English or Tamil is not sufficient to be entitled to PSTM Certificate. In the light of the above, the order passed by the Writ Court has to be necessarily interfered with.

5. Accordingly, the Writ Appeal stands allowed and the order and direction issued by the Writ Court dated 08.10.2018, in W.P(MD) No.19244 of 2018 is set aside and consequently, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

sj

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 Principal,
Government Law College, Madurai.
- 2.The Director of Legal Studies,
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Opp. to Naidu Hall,
Kilpauk, Chennai - 600 010.

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RD(11.08.2021) 4P 3C