



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.2867 of 2019

and W.M.P. (MD) No.2177 of 2019

(Through Video Conference)

WEB COPY

V.Sathiya Sumathi

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep by its Principal Secretary,
Tourism, Culture and Religious
Endowments Department,
Fort St.George, Chennai.

2. Tamil Nadu Public Service Commission,
Rep. By its Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai 600 003

3. The Principal,
Government Law College,
Trichirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Memorandum No.7969/OTD-F1/2015 dated 20.12.2018 issued by the 2nd respondent, quash the same and direct the 3rd respondent to issue PSTM certificate to the petitioner and to direct the 2nd respondent to appoint the petitioner as Assistant Commissioner in the Tamil Nadu Hindu Religion and Charitable Endowment Administration Department included in Group-IB Services 2013-2014.

For Petitioner : Mr.S.Sivakumar

For RR 1 & 2 : Mr.P.Mahendran
Additional Government Pleader

For R-3 : Mr.D.Sivaraman



O R D E R

The petitioner, claims preference under "Persons Studied in Tamil Medium" (PSTM) category for participating in the recruitment process to the post of Assistant Commissioner in the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department (Group IB Services) for the past year 2013-14.

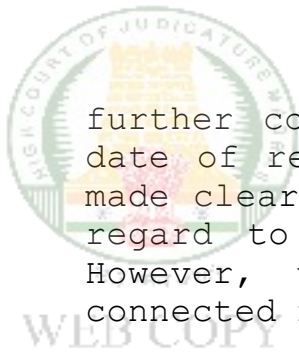
2. The petitioner was provisionally selected to the said post and since the second respondent herein, was of the view that he had wrongly made a claim under PSTM, his provisional selection was cancelled and his candidature was rejected.

3. The respondents have filed their counter affidavit stating that, as per the conditions in the notification, as well as the general information, incomplete applications and applications containing false claims are liable for rejection. Since according to the second respondent, the candidate had not produced the PSTM certificate as per the claim made in her online application, as a result of which, her provisional selection was cancelled.

4. The learned counsel for the petitioner would submit that the petitioner did undergo her Law education through Tamil Medium and that non-production of PSTM Certificate should not disentitle her for the selection. When the notification and general information supplied to the candidates, who had applied for the aforesaid post, requires the applicants to produce all supporting materials, including a PSTM certificate, for candidates who claim preference in the same. Rejection of the petitioner's provisional selection for non-production of the PSTM certificate cannot be found fault with. Unless and until, the claim for preference under PSTM category is substantiated by a certificate, the petitioner cannot substantiate her claim otherwise.

5. The learned counsel for the petitioner has also made a prayer for a direction to the third respondent to issue a PSTM Certificate. Such a request is based on factual matters, which the Government Law College, Tiruchirappalli alone can consider. Nevertheless, if the petitioner is granted liberty to approach the third respondent herein, seeking for such issuance of PSTM Certificate, subject to her entitlement, with a direction to the Government Law College to consider such a request, it may enable the petitioner to use such certificate for any future purpose.

6. In the light of the above observations, the writ petition stands disposed of with liberty to the petitioner to approach the third respondent seeking for issuance of PSTM certificate. On receipt of such application, the third respondent shall consider the same in accordance with law and on its own merits and take



further course of action within a period of four weeks from the date of receipt of a copy of the petitioner's application. It is made clear that this Court has not expressed any of its views with regard to the petitioner's entitlement for a PSTM certificate. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Secretary,
Tourism, Culture and Religious
Endowments Department,
Fort St.George, Chennai.
2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai 600 003
3. The Principal,
Government Law College,
Trichirappalli.

+1 CC to M/s.GP (SR-2349[F] dated 29/01/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-2420[F] dated 29/01/2021)

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-2283[F] dated 29/01/2021)

Order made in
W.P. (MD)No.2867 of 2019

Dated: 27.01.2021

NA (CO)

TR(23.02.2021) 3P 7C