



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2181 OF 2022

AND

W.M.P.NO.2347 OF 2022

R.Rajesh

... Petitioner

.Vs.

1. The Secretary,
Tamil Nadu Public Services Commission,
Park Town,
Chennai - 600 003.

2. The Controller of Examinations,
Tamil Nadu Public Services Commission,
Park Town,
Chennai - 600 003.

... Respondents

PRAYER:- This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Mandamus, directing the respondents to consider the petitioner as a candidate having requisite qualification to be considered under the Persons studied in Tamil Medium (PSTM) quota and permit him to participate in the selection process for Group I services issued vide Advertisement No.566 Notification No.01/2020 dated 20.01.2020 by the respondents and grant him all consequential benefits.

For Petitioners : Mr.P.Rajendran

For Respondents : Mr.V.Govardhanan
Standing Counsel

O R D E R

This Writ Petition has been filed to direct the respondents to consider the petitioner as a candidate having requisite qualification to be considered under the Persons studied in Tamil Medium (PSTM) quota and permit him to participate in the selection process for Group I services issued vide Advertisement



No.566 Notification No.01/2020 dated 20.01.2020 by the respondents and grant him all consequential benefits.

2. Brief facts of the case:

WEB COPY

(i). The petitioner has studied his SSLC in Tamil Medium in regular Government Schools at Kangeyam; he has privately studied his HSC in Tamil Medium; he has studied B.Litt & M.A (Tamil) through distance education from the Alagappa University, Karaikudi and hence, he is entitled for being considered under the Persons Studied under Tamil Medium (PSTM) Quota. The petitioner is aspirant for the Group I Services conducted by the Tamil Nadu Public Services Commissioner pursuant to Advertisement No.566 Notification No.01/2020, dated 20.01.2020, he has applied for the same and also appeared for the preliminary examination conducted by TNPSC on 03.01.2021 and he was hopeful of clearing the preliminary examination but his name was not selected in the results which was published on 09.02.2021. However, the said results were canceled by the TNPSC pursuant to the orders of the Madurai Bench of this Court in W.P(MD).No.8025 of 2020, dated 22.03.2021 with regard to PSTM Candidates and thereafter, a fresh list was published on 14.02.2021, even in that, the name of the petitioner was not found.

(ii). Hence, he reliably understand that the candidates who have done private study have not been considered at all by the TNPSC on the basis of G.O.Ms.No.82, Human Resources (S) Department, dated 16.08.2021 and the said Government Order was issued in implementation of the above mentioned order passed by the Hon'ble Madurai Bench of this Court with regard to PSTM candidates. Further, the Government Order will clearly show that it only excludes persons who have not gone to School for I Standard to IX Standard and have appeared as Private Candidate for the SSLC Examination. But the petitioner's case stands on a different footing. Therefore, the petitioner has made a representation to the respondents to consider his case under the PSTM quota on 20.12.2021 and the same is pending. Hence, the writ petition.

3. The learned counsel for the petitioner would submit that the petitioner has studied up to X Standard under the Tamil Medium of instruction in Government Schools, he has appeared for the HSC exam alone under Private Study mode in Tamil and thereafter, Degree and Post Graduate Degree in Tamil were also obtained by him though the Distance Education Mode from the Alagappa University. Further, he would submit that since the petitioner is having sufficient qualification, he has applied for the recruitment to the Group-I Services conducted by TNPSC pursuant to Advertisement No.566 Notification No.01/2020, dated



20.01.2020 and he appeared for the preliminary examination on 03.01.2021 but his name was not found in the result and thereafter as per the orders of the Hon'ble Madurai Bench of this Court recruitment was cancelled and a fresh list was published on 14.12.2021 even there also petitioner name was not found. He would further submit that G.O.Ms.No.82, Human Resources (S) Department, dated 16.08.2021, states that only excludes persons who have not gone to School for I Standard to IX Standard and have appeared as Private Candidate for the SSLC Examination. Therefore, the petitioner cannot be treated on par with candidates who have not attended school from 1st standard to 9th standard and have SSLC exam privately. The petitioner is a genuine PSTM Candidate, satisfying all the requirements. The fact that he wrote the HSC exam alone privately cannot be put against him, in fact, no rule or Government Order disqualifies the petitioner for having written HSC examination alone under Private Study.

4. The learned standing counsel appearing for the respondent would submit the petitioner was one among the candidate who had applied to the posts included in Combined Civil Services-I Examination (Group-I Services) and appeared for the preliminary examination held on 03.01.2021 and the register number of the candidate did not find place in the lists published in the Commission's website dated 09.02.2021 and 14.12.2021 (revised list). Further, he would submit that the candidates who have claimed their medium of instruction as Tamil in their online application and appeared for the preliminary examination were directed to upload the PSTM certificates from 1st standard to degree through e-seva centers and thereafter, the candidates who have uploaded the PSTM certificates through e-sava were called for the physical certificate verification and on verification, it was found that the petitioner had completed his XII standard examination through private study and as per the affidavit filed by the petitioner, he has not studied XI standard and apart from that he has not produced any material to show that he has studied XI standard in Tamil Medium of instructions. After completing X standard, he has directed appeared XII standard in Tamil. Further, he would submit that the Commission has acted upon the orders of this Court as well as the guidelines issued vide G.O.No.82, Human Resources Management (S) Department, dated 16.08.2021. As per the guidelines issued under the said GO the petitioner cannot be considered under the PSTM category as he has not studied +1 i.e HSC 1st year. However, he was considered under non-PSTM category but he did not reach the zone of the consideration for admission to the Main Written Examination under the non-PSTM category.

5. Heard the learned counsel on either side and perused the materials placed on record.



6. In view of the aforesaid contentions of both the parties and considering the facts and circumstances of the case, this Court is inclined to permit the petitioner to give a representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order by disclosing all the relevant documents as per the conditions prescribed under the notification. Further, if such representation is received by the respondents, the respondent is directed to consider the same and pass appropriate orders in accordance with law and as per the terms and conditions of the notification issued by the respondents as early as possible preferably within a period of eight weeks thereafter viz., from the date of receipt of the petitioner's representation.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Secretary,
Tamil Nadu Public Services Commission,
Park Town,
Chennai - 600 003.
2. The Controller of Examinations,
Tamil Nadu Public Services Commission,
Park Town,
Chennai - 600 003.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.19563
+1cc to Mr.V.Govardhanan, Advocate, S.R.No.18756

W.P.NO.2181 OF 2022

SKM(CO)
PBS/04/04/2022