



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3302 of 2022

W.M.P (MD).Nos.2901 and 2902 of 2022

M.Prakash

... Petitioner

Vs

1.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records of the second respondent pertaining to the post of Lectures in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering) service 2017-2018 by second respondent notification No.14/2019 published on 27.11.2019 and quash the same as olligal and direct the second respondent to allow only the candidate those who have completed their entire education I.e., 1st to 10th standard, 12th standard, Degree through tamil medium to avail PSTM Quota within the stipulated time period.

For Petitioner :	Mr.G.Sakthi Rao
For Respondent :	Mr.N.GA.Nataraj, Government Advocate for R1 Mr.V.R.Shanmuganathan for R2

O R D E R

The recruitment notification issued by the Teachers Recruitment Board for selection to the post of lecturer in Government Polytechnic Colleges dated 27.11.2019 is under challenge in the present Writ Petition.



2. The petitioner states that he was studying in Tamil medium through out his education both in School and College. However, in the impugned recruitment notification, there is no clarity in respect of reservations to be provided for the candidates eligible to avail PSTM quota. The notification is not clear in respect of courses which are to be considered for application of the PSTM Quota.

3. The learned counsel appearing for the petitioner reiterated that as per the provisions of the Act, the persons, who studied in Tamil Medium through out, alone would be eligible to avail the quota. In the present case, the notification states that the eligible qualification alone will be taken into consideration for the purpose of application of PSTM Quota.

4. The fact remains that the recruitment notification was issued on 27.11.2019. The applications were finalized, the candidates have already participated in the written examination and the Teachers Recruitment Board is in the process of finalizing the selection list. The petitioner has also participated in the process of selection and he is waiting for his result. Under these circumstances, now after a lapse of about 2 ½ years, the petitioner has challenged the notification issued. The candidates, who have participated in the written examination accepting the conditions in the recruitment notifications, cannot turn around challenging the notification. Thus, after a lapse of about 2 ½ years, more specifically, with reference to prescription of eligibility for PSTM Quota, if at all the petitioner raises some ground or otherwise, the notification ought to have been challenged during the relevant point of time, when it was issued in the year 2019. Contrarily, a person, who has submitted an application and participated in the written examination, at the time of issuing of final Selection list, cannot challenge the conditions in the recruitment notifications. However, even as per the notification, the Teachers Recruitment Board has stated that " 20% horizontal reservation on preferential basis for persons studied in Tamil medium will be followed as per existing G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department dated 30.09.2010". Therefore, it is needless to state that the selection must be conducted strictly in accordance with the terms and conditions stipulated in the notification which is in consonance with the Government Policy in the matter of grant of PSTM Quota to the eligible candidates.

5. In case the petitioner raises a ground in respect of validity of the conditions imposed, that cannot be now adjudicated as the Scope of PSTM quota is further interpreted by the Hon'ble Division Bench, after issuance of impugned notification and based on that, the Teachers Recruitment Board also issued new conditions for PSTM quota in the recent recruitment notification dated 21.10.2021.

Therefore, the notification of the year 2019 cannot be challenged



based on subsequent developments and changes made in the policy.

6. It is consistently held by the Courts across the country that once the recruitment notification is issued and the candidates participated in the process of selection, they cannot turn around and challenge the conditions in the notification. If at all any selection is made contrary to the terms and conditions of the Notification, the same alone would provide cause for aggrieved persons to move the Court of law, but not otherwise.

7. This being the scope of the writ petition, the notification of the year 2019 cannot be now challenged in the year 2022 and after completion of process of selection, if any violations are noticed, then the aggrieved persons are at liberty to approach the Court of law. Thus, the Writ Petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

+1 CC to M/s.SPL GP (SR-8074[F] dated 23/02/2022)

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TP (CO)

KB (07.04.2022) 3P 4C