



W.P.(MD)No.18909 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.18909 & 18973 of 2021

and

W.M.P(MD)Nos.15734, 15737, 15781 & 15782 of 2021

W.P.(MD)No.18909 of 2021:

B.Priya

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Education Department, Secretariat,
Chennai.
- 2.The Chairman, Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Chennai.
- 3.The Member Secretary,
The Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Compound,
College Road, Chennai – 6.
- 4.S.Amutha
- 5.B.Shrimathi
- 6.The Director, Department of Government Examinations,
College Road, Chennai – 600 006.
(R6 impleaded vide Court order dated 23.09.2022 in
W.M.P(MD)No.16629 of 2021)

... Respondents



W.P.(MD)No.18909 of 2021

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned revised tentative provisional selection list for sewing (Special Teachers) dated 09.09.2019 and revised provisional selection list and certificate verification list for special teachers (sewing) for School Education Department for direct recruitment of special teachers 2012-2016 dated 12.10.2021 issued by the second respondent and quash the same as illegal and arbitrary insofar as the respondents 4 and 5 are concerned and consequently directing the respondents 2 and 3 to award weightage marks to the petitioner based on the total years of employment registration of the petitioner and further to appoint the petitioner in the post of special teacher (Sewing) on merits under persons studied in Tamil Medium (PSTM) Reservation Category.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.N.Sathesh Kumar
Additional Government Pleader for R.1 & R.6

MR.V.R.Shanmuganathan
Standing Counsel for R.2 & R.3

W.P.(MD)No.18973 of 2021:

K.Latha Mariswary

... Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Education Department, Secretariat, Chennai.

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



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3. The Member Secretary,
The Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Compound,
College Road, Chennai – 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned revised provisional selection list and certificate verification list for special teachers (Sewing) for School Education Department for direct recruitment of special teachers 2012-2016 dated 12.10.2021 issued by the second respondent and quash the same as illegal and arbitrary and consequently directing the respondents 2 and 3 to award 5 weightage marks to the petitioner based on the total years of employment registration of the petitioner and further appointing the petitioner in the post of special teacher (Sewing) on merits under persons studied in Tamil Medium (PSTM) Reservation category and BC W DW category.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.N.Sathesh Kumar
Additional Government Pleader for R.1

MR.V.R.Shanmuganathan
Standing Counsel for R.2 & R.3

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioner applied in response to the notification issued by Teachers Recruitment Board on 26.07.2017 calling for applications for



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appointment to the posts of Special Teacher (Sewing) in School Education Department. The writ petitioner sought the benefit of horizontal reservation provided to those falling under what is known as PSTM (Persons Studied in Tamil Medium) category. There is no dispute that the petitioners did their schooling in Tamil. The petitioners had appeared in the technical examination conducted by the Department of Government Examination as private candidates. The specific contention of the petitioners is that they had written the exams only in Tamil. Since they were not treated as PSTM candidates, they were excluded from the eventual selection.

3.The learned counsel appearing for the petitioners took me through the averments set out in the affidavits filed in support of the writ petitions. His primary contention is that the private candidates such as the petitioners will not be in a position to furnish the certificate stipulated in Annexure-II of the recruitment notification. Though the contentions advanced by the learned counsel the petitioners are highly persuasive, as rightly pointed out by the learned Standing Counsel for Teachers Recruitment Board, the issue on hand is no longer *res integra*. Annexure-II of the recruitment notification reads as follows:



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Annexure II

Tamil Medium: Persons Studied in Tamil Medium (PSTM) have to produce evidence, such as Transfer Certificate, Provisional Certificate / Degree Certificate / mark sheets received from the University or from the Institution, with a recording that he / she studied the prescribed educational Qualification in Tamil Medium. If no evidence for 'Persons studied in Tamil Medium' is found in the above certificates, then a certificate from the Head of the Institution as given below must be furnished:-

PSTM Certificate (Model Format)

(To be issued only by the Head of Institution/ Registrar /Principal)

This is to certify that Thiru/Tmt/Selvi
has studied in subject during the years
..... to in Tamil Medium. This certificate is issued after verifying the
course content / Statement of Marks / Transfer Certificate.

Registrar/Principal/Head of the
Institution

Place :

Date :

4.If the candidate fails to furnish PSTM Certificate in the prescribed format, the candidate concerned cannot be treated under PSTM category. This point had already been answered by the Hon'ble First Bench vide order dated 16.03.2020 in W.A.Nos.404 of 2022 etc., Paragraph Nos.36, 37 of the aforesaid order read as under:



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“36. There is another argument on behalf of the appellant that the respondents/petitioners could not have turned around after having appeared in the examination and acquiesced to the procedure prescribed under the notification. To this, the answer of learned counsel for the respondents/petitioners is that there cannot be a medium of instruction in respect of the Higher Grade technical qualification of Sewing, Music, Drawing and Physical Education. We cannot accept this argument of the respondents/petitioners, inasmuch as no educational course can be normally imparted without a medium of instruction. Even the Deaf and Dumb schools have a medium of visual reading and lip movement and the school for the Blind have a Braille medium. The subjects of Special Teachers are not only practical, but also contain some part of theory. The argument of the respondents/petitioners that there is no medium at all to study the subjects is simply preposterous. Whether it is Drawing or whether it is Sewing or Music or Physical Education, the course has to be imparted even if orally, through an instruction, which has to have a medium. Thus, the argument that there is no medium as urged by the respondents/petitioners has to be rejected outright. A script has to be studied and translated either by signs or by any other medium or by *any other linguistic medium*. We can only advise the writ petitioners and the learned counsel to read an authority on the subject viz., “**The Loom of Language**” by **Frederic Bodmer**.



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37. We are also of the considered opinion that all the writ petitioners with open eyes had applied Online against the notification, which has set out the requirement of certificates as indicated above in detail. Annexure-II read with Claus 9 of the notification, therefore, was well known to the respondents/petitioners and they did not challenge the same. Learned counsel for the appellant is, therefore, right in his submission that this excuse cannot be set up to claim a right which is otherwise not available and also does not give rise to any legitimate expectation.”

In the light of the categorical pronouncement of the Hon'ble First Bench, I have to necessarily decline relief to the petitioners. These writ petitions stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

23.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

- 1.The Secretary, Government of Tamil Nadu,
Education Department,
Secretariat, Chennai.
- 2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Chennai.
- 3.The Member Secretary,
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