



W.P.Nos.38564 of 2015 and 38598 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE DR. JUSTICE D.NAGARJUN

W.P.Nos.38564 and 38598 of 2015

- | | | |
|----|------------------------|---------------------------------------|
| 1. | D.Thilaga | ...Petitioner in W.P.No,38564 of 2015 |
| 2. | S.Sivaganehsakumar ... | ...Petitioner in W.P.No,38598 of 2015 |

Vs

- | | |
|----|---|
| 1. | The Secretary to the Government,
Home (Police) Department,
Fort St.George, Chennai – 09. |
| 2. | The Chairman/Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Anna Salai, Chennai – 02. |
| 3. | The Director General of Police,
Dr.Radhakrishanan Salai,
Mylapore, Chennai – 04. |
- ...Respondents in all the writ petitions

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a mandamus, directing the second respondent to select and appoint the petitioner as Sub-Inspector of Police under 20% PSTM (persons studied in Tamil Medium) quota and to grant marks in respect of the disputed questions.



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For petitioners

In both the writ petitions : Mr.D.Hari Harasudhan
For Mr.S.Sivakumar

For R1 and R3

In both the writ petitions : Ms.C.Sangamithirai
Special Government Pleader

For R2 : Ms.Sowmi Dattan

JUDGMENT

These writ petitions are filed seeking a direction to the second respondent to select and appoint the petitioner as Sub-Inspector of Police under 20% PSTM (persons studied in Tamil Medium) quota and to grant marks in respect of the disputed questions.

2. The learned counsel for the petitioners submitted that the petitioners have been working as Police Constables and have applied for the post of Sub-Inspector of Police as per the notification No.1 of 2015 dated 08.02.2015. The petitioners have applied for the post of Sub-Inspector of Police under the Department quota and under the priority quota PSTM (Persons Studied in Tamil Medium). As per Section 3 of the Tamil Medium Act, 2010, the relevant portion is extracted hereunder:



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“3(1) Notwithstanding anything contained in any law for the time being in force and subject to Section 5, twenty percent of all vacancies in appointment in the services under the State which are to be filled through direct recruitment shall be set apart on preferential basis to persons studied in Tamil Medium.”

3. The learned counsel for the respondents per contra submitted that PSTM is applicable only to the persons who seek first appointment to any service under the State but the petitioners has already been serving in the Police Department cannot claim the PSTM priority as like in the direct recruitment.

As per Section 2(a) of the Tamil Medium Act, 2010, the relevant portion is read as follows:

"2. In this Act, unless the context otherwise requires:-

(a) “Direct recruitment”, means first appointment of a person to any service under the State in accordance with the rules or regulations or orders in force.”

4. In view of the above it is clear that the petitioners who have been working as Police Constable Grade I cannot avail the benefit of 20%



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vacancy under the PSTM category since they are Departmental quota candidate who are already in service as a Head Constables and hence cannot claim for PSTM priority category as per the definition under Rule 2(a) of Tamil Nadu Appointment on preferential basis in the services under the State to the persons studied in Tamil Medium Act.

5. Considering the submissions made by both sides, the relief sought by the petitioner to consider her as Sub-Inspector of Police under 20% PSTM (persons studied in Tamil Medium) quota cannot be granted. Hence, these writ petitions are dismissed.

21.12.2023

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case : Yes/No



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To

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