



W.P.No.9415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P.No.9415 of 2023 &
WMP.Nos.9494 & 9495 of 2023**

E.Seshathiri

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George, Chennai – 600 009.
3. The Secretary
Tamil Nadu Public Service Commission, TNPSC Road,
VOC Nagar, Park Town, Chennai – 600 003.
4. The Director,
Directorate of Employment & Training,
Alandur Salai, Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.
5. J.Kirubha Vivek



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6. G.Selvakumar
7. G.Manikandan
8. A.S.Kishore

9. The Deputy Director/Principal,
Government Industrial Training Institute,
Ambattur, Chennai – 600 098.
[R9 impleaded vide Order dt.13.04.2023
made in WMP.11036/2023 in WP 9415/2023
by PDAJ]

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus directing the respondents 1 to 3 to consider the petitioner as a BC General PSTM candidate and based on the marks obtained by him, select and appoint the petitioner to the post of Draftsman in Survey and Settlement Wing or Surveyor-cum-Assistant Draughtsman in Tamilnadu Town and Country Planning Department as notified under the Recruitment Notification in Notification No.18/2022 issued by the 3rd respondent Advertisement No.622 dt.29.07.2022.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Mr.V.S.Jagadeesan

For Respondents : Mr.R.Ramanlal,
Additional Advocate General,
Asst. by Mr.P.Baladhandayutham
Special Government Pleader – R1,2,4,9

Mr.R.Bharanidharan – R3



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ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to consider the petitioner as a BC General PSTM candidate and based on the marks obtained by him, select and appoint the petitioner to the post of Draftsman in Survey and Settlement Wing or Surveyor-cum-Assistant Draughtsman in Tamilnadu Town and Country Planning Department as notified under the Recruitment Notification in Notification No.18/2022 issued by the 3rd respondent through Advertisement No.622 dated 29.07.2022.

2. It is the case of the petitioner that the petitioner has studied in Tamil medium from first standard to SSLC and on completion of SSLC he joined as Draughtsman [Civil] in the Government Industrial Training Institute, Ambattur, Chennai during the period August 2011 to July 2013. The said course was affiliated to National Council for Vocation Training [NCVT]. The said Draughtsmand [Civil] Course was conducted in Tamil medium and he took up the examination in Tamil.



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He also registered with the District Employment Exchange, Thiruvannamalai District that his medium of instruction for SSLC and NTC/ITI as Tamil medium. The Principal of the Institute have also issued a PSTM certificate dated 28.02.2020 to the extent that he had studied the said course in Tamil medium. Thereafter, the petitioner applied for the post of Surveyor cum Assistant Draftsman. He secured 285 marks. It is also his contention that the mark list itself clearly indicate that the petitioner's category has been shown as PSTM. It is the grievance of the petitioner that the persons who have secured lessor marks have been appointed in the post of Draftsman. Hence, the Writ Petition.

3. The third respondent filed a counter wherein it is stated that by clarification on Medium of instruction in Industrial Training Institute and as per their communication, they have not issued any guidelines to conduct ITI courses in English only. It is their further contention that the petitioner had made a wrong claim in the online application for PSTM and therefore, as per Commission Notification,



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applicants request has been rejected. Referring to para 13 [B][i] [v] [vi] the Commission's Notification, which reads as follows :

“13 [B] [i] As per Section 2[d] of the Tamil Nadu appointment on preferential basis in the services under the State of Persons Studied in tamil Medium Act, 2010, as amended by Act 35 of 2020, Persons studied in Tamil Medium means a person who has studied through Tamil Medium of instruction up to the educational qualification prescribed for direct recruitment in the rules of regulations or orders applicable to any appointment in the services under the State.

13 [B] [v] Failure to upload such documents at the time of submission of online application as evidence for 'Persons Studied in Tamil Medium' for all educational qualification upto the educational qualification prescribed, shall result in the rejection of candidature after due process.

13 [B] [vi] Documents uploaded at the time of submission of online application as proof of having studied



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in Tamil medium, for the partial duration of any course/ private appearance at any examination, shall not be accepted and shall result in the rejection of candidature after due process.”

Hence, it is their contention that the instructions issued by the Commissioner are mandatory in the Courts of law. Hence, the petitioner is not entitled for appointment.

4. Whereas the fourth respondent filed counter admitting that all the Industrial Institute across the country are following the norms prescribed in Training Manual for Industrial Training Institutes [ITIs] issued by the Director General of Training, Ministry of Skill Development Entrepreneurship, Government of India, the Training Manual was updated during the year 1985, 1995, 2002 and 2014 respectively. In the training Manual for Industrial Training Institutes published in the year 2014 in page No.33 point No.2.22 Development of Infrastructural Materials to improve quality of Training and based on the above instructions, the training programme is conducted in Tamil.



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Initially, training is provided in 10 regional languages including Tamil and for remaining trades, question papers are translated to regional language and issued to trainees for writing the All India Trade Test Examination], However submitted that no circular/memo has been issued by this office specifying the medium of instruction in Industrial Training Institutes as Tamil. Hence, submitted that as Industrial Training Institutes are generally following English medium, PSTM certificate may not be issued to the trainees.

5. It is the main contention of the petitioner that the Government of India also instructed to undertake training in regional languages. Based on the instructions, the question papers are set up in 10 regional languages including Tamil. This fact has also been admitted by the fourth respondent. Further, even a communication from the Ministry of Labour Welfare and Skill Development [S1] Department dated 15.12.2022, makes it clear that the training was given in various regional languages and question papers were also set up in regional languages including Tamil. Such being the position, when the petitioner studied in



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Tamil Medium from first Standard to ITI, merely a clarification has not been issued by the Ministry of Labour Welfare and Skill Development [S1] Department in this regard, the respondent cannot take a stand that the petitioner is not eligible in PSTM quota.

6. According to the learned Additional Advocate General, they are not competent to say whether the medium of instruction was in regional language or in English, since they have not been made as party in the Writ Petition. It is his further contention that as the clarification has been issued on 15.12.2022, the same cannot be applied retrospectively. It is his further contention that the text books for ITIs are only in English. Therefore, it cannot be construed as Tamil Medium.

7. It is the contention of the learned counsel appearing for the Tamil Nadu Public Service Commission that since a letter has been issued on 24.02.2023 by the Department of Employment and Training stating that medium of instruction is only in English and Hindi, the petitioner cannot be construed to have completed the Course in Tamil



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medium. It is their further contention that as far as PSTM category, all the vacancies have already been filled up and totally 11 vacancies alone are available.

8. However, the learned Senior Counsel appearing for the petitioner submitted that based on the reply sent under the Right to Information Act dated 01.08.2023, there are 179 vacancies, still the persons have not joined so far.

9. I have perused entire materials. The crux of the issue is whether the writ petitioner, who had undergone the course of ITI in Tamil medium, though the medium of instruction has not been declared by the Government, will he be construed as PSTM candidate. It is not in dispute that the syllabus for ITI is governed by Ministry of Skill Development Entrepreneurship, Government of India and the syllabus was originally in English and Hindi. However, the counter of the fourth respondent makes it clear that the Central Government has given instructions in year 2014 which reads as follows :



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i. The State Government should set up media resource centres and effort should be made to develop instructional material in the local languages [DGE&T 29 [2]/87-CD, dated 03.04.87].

ii. State Directors and UT Administrators dealing with the CTS may encourage the instructional staff of ITIs located in their states to develop suitable training materials in English or a regional language. The producers of very good materials may be rewarded at the rate of 1000/- per material [a book, a model, set of charts, transparencies and slides, etc.]. [DGE&T 29[5]/87 CD, dated 06.05.87].

10. Based on the above instructions, instead of developing suitable training materials in regional languages, the State Government has in fact taught the students in Tamil medium by following the syllabus and tests also conducted in Tamil and all the training programme is being conducted in Tamil. Even the question papers were prepared in 10 regional languages by the Government of India including in Tamil



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language. These facts have not been disputed. This practice followed from the year 1987 and certificate issued by the concerned ITI also clinchingly established the fact that the petitioner has studied in Tamil medium in the entire ITI Course. The certificate appended in the typed set pages 36 and 37 goes to prove the above fact. When the medium of instruction is not denied and the petitioners completed their course in Tamil and written examination in tamil and preparation of question paper in regional languages has also not been disputed, this Court is of the view that merely because the medium of instructions has not been finally declared, it cannot be construed that the petitioner has not studied the entire course in Tamil medium as mandated under the PSTM quota. Even in the latest communication sent by the Ministry of Government of India, dated 01.05.2023, the Ministry of Skill Development and Entrepreneurship [MSDE], which reads as follows :

“This is with reference to letter No.R.C.No.12700CT4/2022, dated 28.03.2023 regarding the above cited subject. In this regard it is inform that as



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per the information available in Training Manual of ITIs published in year 2014, State Governments should set up media resource centres and efforts should be made to develop instructional material in local language [copy attached].

Moreover, National Instructional Media Institute [NIMI] as Subordinate Office under Directorate General of Training [Dgt] has taken initiative to develop the instructional material in English, Hindi and other regional languages. In addition, questions papers of ITIs courses under CTS are being developed in regional languages [ie., Hindi, English, Bengali, Odia, Tamil, Malayil, Kannad, Gujrati, Marathi & Telgu] to encourage the trainees for studying in regional language as well as to appear in all India Trade Test in respective language vide letter No.MSDE-180/11/DGT/2017-TTC dated 30th January, 2018.



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DGT has not issued any guidelines to conduct ITI courses in English only. This issues with the approval of competent authority.”

11. The above communication makes it clear that the question papers for ITI course under CTS have been developed in regional languages. The above circular also makes it clear that the DGT has not issued any guidelines to conduct ITI course in English only. When the Central Government has already permitted the State Government to develop the instruction materials in regional languages and the State has not developed such materials all these years and allowed the student to pursue the course in Tamil medium and allowed them to undertake the examination in Tamil, now cannot contend that such students cannot claim the benefit under the PSTM quota. The fact that the petitioner has scored 285 marks is not in dispute. Whereas, the candidates who have secured lesser marks than the petitioner have already given appointment. Further the communication received under Right to Information Act indicate that 179 persons have not joined in the Survey Department.



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12. In such view of the matter, the respondents 1 to 3 shall give appointment to the petitioner to the post of Draftsman in Survey and Settlement Wing or Surveyor-cum-Assistant Draughtsman in Tamilnadu Town and Country Planning Department. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this Order.

13. With the above observations, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

07.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

Note : Issue Order Copy on 18.08.2023

To,

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.



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2. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George, Chennai – 600 009.
3. The Secretary
Tamil Nadu Public Service Commission, TNPSC Road,
VOC Nagar, Park Town, Chennai – 600 003.
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Alandur Salai, Thiru-vi-ka Industrial Estate,
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Ambattur, Chennai – 600 098.



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N.SATHISH KUMAR, J.

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