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W.P.No.18673/2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 13-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.18673 of 2023

G.Sakthi Rao

...

Petitioner

-VS-

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai – 600 003.

2.The Registrar General,
High Court of Madras,
Chennai – 600 104.

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the entire records of the first respondent pertaining to the Notification 12/2023, dated 01.06.2023, calling for applications for post of Civil Judge in the Tamil Nadu State Judicial Service, and quash the same as illegal and direct the first respondent to allow the petitioner/other candidates those who completed 3 years Bachelor Law Degree through regular stream alone to avail PSTM quota without insisting earlier UG degree for considering petitioner's representation, dated 05.06.2023, and consequently direct the second respondent to frame proper rules for availing PSTM reservation.



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W.P.No.10073/2023

For Petitioner : Mr.M.Dinesh

For Respondent 2 : Mr.B.Vijay

ORDER

(By *S.Vaidyanathan,J.*)

This Writ Petition has been filed questioning the Notification No.12/2023, dated 01.06.2023, calling for applications for the post of Civil Judge in the Tamil Nadu State Judicial Service, to quash the same as illegal and direct first respondent to allow the petitioner/other candidates those who completed 3 years Bachelor Law Degree through regular stream alone to avail PSTM quota and also to direct second respondent to frame proper rules for availing PSTM reservation.

2. According to the petitioner, he is aged 39 years and a practising Advocate at Madurai Bench of Madras High Court. He has done his schooling in Tamil Medium right from I to XII Standard and completed B.Com. Degree through English Medium at Madurai Kamaraj University. He further states that he completed Law graduation (3 year course) in the year 2017 by joining the academic year 2014-2015 through Tamil Medium and also subsequently completed Master's Law. Pursuant to the Notification, dated 01.06.2023, applications have been called for for the post of Civil Judge in Tamil Nadu State Judicial Service and his application has not been accepted by Tamil Nadu Public Service Commission under the Person Studied in Tamil Medium



category. He submits that his case has not been considered on the ground that his B.L. Degree is not a Bachelor's Degree. It is also his case that in terms of the educational qualification, as per the note prescribed in page No.5 of the Notification, he has completed Law Graduation, and the relevant portion is scanned below :

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(B) EDUCATIONAL QUALIFICATION (As on 01.06.2023)

Applicants should possess the following qualification:

I. For Practising Advocates/ Pleadings and Assistant Public Prosecutors:	(i) Must possess a Degree in Law of a University in India established or incorporated by or under a Central Act or a State Act or an Institution recognised by the University Grants Commission, or any other equivalent qualification and got enrolled in the Bar Council of Tamil Nadu or in the Bar Council of any other State in India and (ii)(a) Must be practising as an Advocate or Pleader in any Court on the date of Notification for recruitment to the post and must have so practised for a period of not less than 3 years on such date. (or) (b) Must be an Assistant Public Prosecutor having not less than 3 years of experience as an Advocate and / or Assistant Public Prosecutor.
II. For Fresh Law Graduates	(i) Must be a fresh Law Graduate possessing a degree in Law from a recognized University as mentioned in Clause-I (i) above. (ii) Must be eligible to be enrolled as an Advocate. (iii) Must have secured an overall percentage of marks in acquiring the Bachelor's Degree of Law as below:- (a) 45% Marks in case of Reserved Categories (i.e SCs, SC(A), STs, MBCs/DCs, BCs(OBCMs) and BCMs). (b) 50% Marks in case of Open Category (i.e Others). (iv) Must have obtained the Bachelor's Degree of Law within a period of three years prior to the date of Notification.

Explanation:

Applicants who have enrolled as Advocates but do not possess three years of practice at the date of notification are eligible to appear in the recruitment for the post of Civil Judge (Lower Grade) category of Fresh Law Graduates, provided they satisfy the other requirements of the notification.

Note:

(i) The educational qualification prescribed for the post should have been obtained by passing the required qualification in the following order of studies: 10th + HSC or its equivalent + Bachelor's degree as required under Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Results of the examination should have been declared on or before the date of Notification. Section 23(4)(v) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.



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He would further submit that not considering him under PSTM category is illegal and also since he is having two Degrees, namely, B.Com. and Bachelor's Degree in Law, non-consideration of his candidature is illegal and liable to be interfered with.

3. Learned counsel for second respondent drew the attention of this Court to the General Information in the Booklet of the Notification at Page 43, Para 17, and submitted that the entire studies must have been undergone by the candidate through Tamil Medium for eligibility to the post. According to him, the petitioner has studied B.Com. through English Medium and the required qualification is a Degree in Law. His application has not been denied on account of the fact that he does not possess Law Degree, but for not studying through Tamil Medium throughout. He would further submit that the petitioner has made an application for Group-I Services, wherein a similar notification was tested by this Court, and this Court held that the benefit of reservation as per the Tamil Nadu Appointments on Preferential Basis in the Services under the State of Persons studied in Tamil Medium Act, 2010, needs to be adhered to. The matter was taken on appeal before the Supreme Court in S.L.P. (Civil) Nos. 3364-3367 of 2022, wherein the Apex Court categorically held in Para 12 as follows :

"12. The Amending Act by applying the rules of purposive interpretation should be construed as an explanatory Act consistent with the objective of the Act No.40 of 2010. The impugned judgment of the High Court as can be noticed proceeds on this basis. Therefore, we see

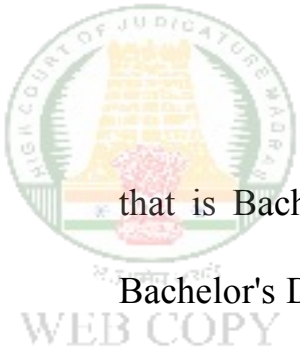


no infirmity with the view taken by the Division Bench in its declaration that the 20% reservation envisaged under the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (Act No.40 of 2010) is available only to those who undertook their entire education only in the Tamil Medium i.e., right from the first standard up to the prescribed qualification."

Accordingly, he prayed for dismissal of the Writ Petition, as the petitioner is not entitled to any relief.

4. In response, learned counsel for the petitioner would submit that it is true that the petitioner has applied for Group-I Services and the rejection of his request therein is completely different from the present one, as, in the present case, the petitioner has applied for Judicial Service and, accordingly, seek permission to write examination for appointment of a Civil Judge.

5. The conditions mentioned in the Notifications for Group-I Services and the Judicial Service are identical. Unless the candidate studies in Tamil Medium throughout, the question of considering his case under PSTM category does not arise. It may be true that the earlier case that was decided was for Group-I Services and the present one is for Judicial Service, but the conditions stipulated in both the Notifications are identical. If a person seeks appointment on Preferential Basis under the 2010 Act, he or she must have undergone the entire education only through Tamil Medium i.e., right from Standard I up to the prescribed qualification in the Notification,



that is Bachelor's Degree in Law. However, in this case, the petitioner has studied Bachelor's Degree i.e., B.Com., through English Medium and not Tamil Medium. There is no continuity of education in Tamil Medium and there is a break when the petitioner studied B.Com., in English Medium.

6. In the given situation, this Writ Petition stands dismissed. No costs. Consequently, the connected C.M.P.Nos.17918 to 17920 of 2023 are closed.

Index : Yes/No
Internet : Yes/No
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(S.V.N.,J.) (K.R.S.,J.)
13-09-2023

To

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai – 600 003.

2.The Registrar General,
High Court of Madras,
Chennai – 600 104.



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