



W.P.No.25703 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
14~09~2023	25~09~2023

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25703 of 2022 &

W.M.P.Nos.24742, 24743 & 24744 of 2022

P.Mahalakshmi

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of School Education,
Secretariat, Chennai – 600 009.
2. The Commissioner / Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.
3. The Teachers Recruitment Board,
Rep. by its Member Secretary,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed, under the Article 226 of Constitution of India, to



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issue a Writ of Certiorarified Mandamus calling for the records of the impugned provisional selection list dated 17.09.2022 issued by the 3rd Respondent in respect of PG Assistants in commerce and quash the same consequently direct the respondents to select the petitioner as PG Assistant in Commerce under GT PSTM or MBC/ DNC PSTM and appoint her in the said post.

For petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader – R1 & R2

Mr.R.Neelakandan,
Additional Advocate General,
Asst. By Mr.C.Kathirvavan
Standing Counsel for R3

ORDER

This Writ Petition has been filed to quash the impugned provisional selection list dated 17.09.2022 issued by the third Respondent in respect of PG Assistants in commerce and consequently direct the respondents to select the petitioner as PG Assistant in Commerce under GT PSTM or MBC/ DNC PSTM and appoint her in the said post.

2. It is the case of the petitioner that she has applied for PG Assistant in commerce under PSTM quota. The petitioner had secured 91 marks out of 147



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and she has also been called for certificate verification. However, in the provisional selection list published on 17.08.2022, the petitioner name is not found. Whereas, the persons secured 88, 86, 77 marks were given appointment. Since the petitioner secured 91 marks and meritorious candidate, non selection of the petitioner is without any reasons. The petitioner is non suited merely on the ground that she has not produced certificate for classes I, II and III, since she had joined directly IV standard and completed her entire education in Tamil Medium. It is the case of the petitioner that she has studied I to III in Arivoli Iyakkam from 1990 to 1992 and joined directly in IV Standard in Tamil Medium. Hence, the petitioner seeks appointment.

3. It is the stand of the third respondent in the counter that the petitioner has applied for the post of PG Assistant in Commerce for the recruitment for the year 2020 – 2021. It is the contention of the respondent that the Government has issued G.O.Ms.No.82 Human Resource Development [S] Department dated 16.08.2021 and the notification for PG Assistant for the year 2020 – 2021 was published on 09.09.2021 and hence, the notification was issued following the G.O.Ms.No.82 for recruitment. As per the Government Order, the petitioner must have studied in Tamil Medium from Class I till the degree course and must upload the PSTM certificates while applying and to



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produce the same during certificate verification. Since the petitioner has not produced PSTM certificate for Classes I to III, the petitioner was not considered for PSTM quota.

4. It is the contention of the learned counsel for the petitioner that the petitioner has studied I to III in literacy scheme introduced by the Government known as Arivoli Iyakkam. The petitioner has completed her education from I to III standard in Arivoli Iyakkam, a scheme implemented by the Government and she cannot be non suited that she has not produced the certificate for class I to III. Hence, it is his contention that when the Government literacy scheme was implemented, the petitioner availed the scheme Arivoli Iyakkam. Therefore, it is his contention that the petitioner cannot be non suited despite securing 91 marks.

5. It is the contention of the learned Additional Advocate General appearing for the third respondent that as the petitioner has not produced any certificate to show that she has completed school from I to III standard in Tamil Medium, she has not been selected.

6. I have perused entire materials. It is not in dispute that the petitioner



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applied under PSTM quota and she has also got relevant degree as required

under the notification. She has studied SSLC and Higher Secondary in Tamil Medium and she has done under graduate Course and Post Graduate Course with Tamil as medium of instruction. These facts are not in dispute. Further, it is not disputed that the petitioner secured 91 marks. Whereas, persons secured 86, 78 and 74 marks were selected. Though the petitioner secured higher marks than others in serial No.480, 482, 530 and 565, the petitioner has been non suited only on the ground that she has not produced certificate to show that she has completed standard I to III in Tamil Medium.

7. It is the specific case of the petitioner that she has studied in the scheme implemented by the Government by name Arivoli iyakkam which was vogue at the relevant point of time. The Government Order in G.O.Ms.No.66 dated 16.05.2005 issued by the Education Department makes it clear that women literacy scheme was so vogue till 1998 in Tamilnadu. Thereafter, it has been changed as some other schemes and the same have been implemented. The very purpose of the literacy scheme introduced by the Government is to enhance literacy at the village level and villagers are allowed to study in the literacy scheme. It is not the case of the respondents or the Government that in the Arivoli Iyakkam, children were taught in English and not in Tamil. It is to



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be noted that the relevant clause in the notification inviting the applications for

PG Assistants in PSTM quota reads as follows :

13.c. Tamil Medium Study Certificate : For the post of Post Graduate Assistants, candidate who claims reservation under PSTM [Persons studied in Tamil Medium] category has to submit Tamil Medium Study Certificate in the prescribed formate [Annexure] for SSLC, Higher Secondary, Under Graduate Degree, Post Graduate Degree and B.Ed. Degree or its equivalent as per Tamil Nadu Act No.35 of 2020.

8. The above notification only stipulates that certificate for SSLC and Higher Secondary has to be produced. Now a stand has been taken by the third respondent, the Teachers Training Board, that the notification is based on the G.O.Ms.No.82 dated 16.08.2021 wherein it is stated that the person who studied the course in Tamil Medium from the first standard till post graduation alone is entitled for reservation. It is also stated that the person who has studied in the school from I to IX and privately qualified X Standard in private exam is not entitled to claim any reservation. It is relevant to note that it is not the case of the Government or the third respondent that the petitioner has not studied in



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Tamil Medium. The petitioner joined in the IV Standard in school directly. It is also not disputed. All the relevant documents as required under the notification SSLC, Higher Secondary, Under Graduate and Post Graduate were produced as required as per the Act 35 of 2020. Therefore, when the petitioner has studied in the Government Scheme namely Arivoli Iyakkam and joined the school in the IV Standard and thereafter, continuously studied in Tamil Medium, now the Government Order in G.O.Ms.No.82 cannot be put against the petitioner.

9. It is relevant to note that Section 2[d] of Act 35 of 2020 reads as follows:

“[d] “person studied in Tamil Medium” means a person who has studied through Tamil medium of instruction upto the educational qualification prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State.”

Explanation.— For the purpose of this clause,—

(i) in cases, where SSLC is prescribed as the educational



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qualification, one shall have studied upto SSLC through Tamil medium of instruction;

(ii) in cases, where a Higher Secondary Course is prescribed as the educational qualification, one shall have studied SSLC and the Higher Secondary Course through Tamil medium of instruction;

(iii) in cases, where a diploma is prescribed as the educational qualification, one shall have studied SSLC and the diploma through Tamil medium of instruction or if the diploma is obtained after completion of Higher Secondary Course then one shall have studied SSLC, Higher Secondary Course and the diploma through Tamil medium of instruction;

(iv) in cases, where a degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course and the degree through Tamil medium of instruction;

(v) in cases, where a post-graduate degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course, degree and the post-graduate degree through Tamil medium of instruction.”



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10. It is not in dispute that petitioner studied up to SSLC Tamil Medium of instruction. Admittedly, the petitioner has completed standard I to III in Arivoli Iyakkam literacy scheme implemented by the Government and has joined the school in IV standard in Tamil Medium. When the Government implemented a literacy scheme and allowed the children to join fourth standard in the school, merely because the petitioner has not gone to the school upto 3rd standard and studied in Arivoli Iyakkam in the literacy scheme of the Government of Tamilnadu, it cannot be construed that the petitioner has not studied standard I to III in Tamil Medium. What is required under the Act is that one must have studied SSLC through Tamil Medium of instruction. G.O.Ms.No.82 apply to the person who have studied I to IX Standards in Tamil Medium and directly qualified in X standard Therefore, when the Government literacy scheme permitted the poor children to have the benefit of education and in the scheme the petitioner has qualified up to the third standard and joined IV standard in school and completed her education through out in Tamil Medium up to post graduation and having secured 91 marks, she cannot be denied appointment. At the time of admission, this Court also passed an interim Order reserving one post for the petitioner in that category. In such view of the matter, this Court is of the view that the petitioner deserves to be appointed since her



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marks is higher than the candidates selected. Hence, the respondents are

directed to give appointment to the petitioner in PSTM quota.

11. Accordingly, this Writ Petition is allowed. The respondents shall include the name of the petitioner in the selection list for PG Assistant under GT PSTM or MBC/ DNC PSTM quota and appoint her in the said post. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Principal Secretary to Government,



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Department of School Education,
Secretariat, Chennai – 600 009.

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2. The Commissioner / Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.
3. The Teachers Recruitment Board,
Rep. by its Member Secretary,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.



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N.SATHISH KUMAR, J.

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Order in

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