



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27491 of 2021 and
W.M.P.Nos.29008 & 29010 of 2021

Mr.Gnanaprakash

... Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Agriculture and Farmers Welfare Department,
Fort St.George, Chennai 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
VOC Nagar, Chennai 600 003.

3.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town, VOC Nagar,
Chennai 600 003.

4.The Director,
Elementary Education,
DPI Compound, College Road,
Chennai 600 006.

5.Assistant Elementary Education Officer,
Kilpennathur, Tamil Nadu 604 601.

... Respondents



PRAYER : This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to treat the petitioner's study from 2nd STD to 12th STD sufficient to satisfy the required rules, that one should study from standard 1 to 12 with Tamil as Medium of Instruction, as the petitioner was admitted directly to 2nd Standard (under the rules) and completed Diploma in Horticulture with Tamil as Medium of Instruction, conferring all benefits available for the category viz., MBCs/DCs(PSTM) and consequently, direct the respondents 1 to 3 to select the petitioner's candidature for the post of Assistant Horticulture Officer and appoint him in the said post as the petitioner has secured necessary marks in the written examination and rendered himself eligible for selection and appointment as Assistant Horticulture Officer.

For Petitioner : Mr.C.Johnson

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

The petitioner has filed this Writ Petition to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to treat the petitioner's study from 2nd STD to 12th STD sufficient to satisfy the required rules, that one should study from standard 1 to 12 with Tamil as Medium of Instruction, as the petitioner was admitted directly to 2nd Standard (under the rules) and completed Diploma in Horticulture with Tamil as



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Medium of Instruction, conferring all benefits available for the category viz., MBCs/DCs(PSTM) and consequently, direct the respondents 1 to 3 to select the petitioner's candidature for the post of Assistant Horticulture Officer and appoint him in the said post as the petitioner has secured necessary marks in the written examination and rendered himself eligible for selection and appointment as Assistant Horticulture Officer.

2. Heard Mr.C.Johnson, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. By virtue of the notification dated 05.02.2021, in notification No.02/2021 vide Advertisement No.577, the applications for the post of Assistant Horticulture was invited by the Tamil Nadu Public Service Commission. The petitioner had applied for the post through online. In the notification, it is mentioned that 20% reservation is given for those people who have studied in Tamil Medium. The petitioner claims that he falls under the category of Persons Studied in Tamil Medium. It is also



admitted that the petitioner falls under Persons Studied in Tamil Medium.

The petitioner obtained 216 marks which is above the minimum eligibility cut-off for the quota under Persons Studied in Tamil Medium. In fact when the provisional list of candidates was published the petitioner's Number.0101002233 was also found place in the selected list of candidates. However, the petitioner was not given with appointment order in view of the subsequent certificate verification where some objections were raised by the Tamil Nadu Public Service Commission. It is stated that the petitioner has studied only from 2nd Standard to 12th Standard in Tamil Medium and not from 1st Standard to 12th Standard.

4. The learned counsel for the petitioner submitted that the petitioner was directly admitted to the 2nd Standard and he did not study 1st Standard. Only in view of the said reasons, Persons Studied in Tamil Medium certificate cannot be furnished from 1st Standard to 12th Standard but from 2nd Standard to 12th Standard. In fact, the fifth respondent Assistant Elementary Education Officer himself has stated in his counter that as per Sub-Rule 4 of Section 44 of the Madras



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Elementary Education Act, 1920, when a student seeks admission for the first time in the School, it is at the discretion of the Head Master that the student can be placed in the Standard which the Head Master considers suitable. Since the petitioner was directly admitted to the 2nd Standard and that was accepted by the fifth respondent also vide the proceedings of the fifth respondent made in Mu.Mu.No.688/E/04 dated 28.07.2004, the same was recorded in the admission register maintained by the concerned Head Master.

5. The one and only contention of the petitioner is that the case of the petitioner ought to have been considered as Persons Studied in Tamil Medium and he should not have denied the appointment because he was directly admitted to 2nd Standard which is well permissible in the Rules framed under Madras Elementary Education Act, 1920.

6. The learned counsel for the petitioner further submitted that by virtue of the order dated 03.01.2022, an interim order has been passed to keep one post unfilled in the category for which the petitioner is entitled



to be considered for appointment till the disposal of the Writ Petition.

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7. The attention of this Court was drawn to the order passed by this Court in ***W.P.No.25703 of 2022 dated 25.09.2023***. The relevant paragraphs which are applicable to the case in hand are as follows:

"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



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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 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."



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8. Since the order passed in W.P.No.25703 of 2022 dated 25.09.2023 squarely applicable to the case of the petitioner, I feel this Writ Petition should be allowed in the light of the orders passed by this Court in the above Writ Petition.

9. In the result, this Writ Petition is allowed and the respondents 1 to 3 are directed to select the petitioner's candidature for the post of Assistant Horticulture Officer and appoint him in the said post and pass necessary orders in this regard within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2023

Index : Yes

Internet : Yes/No

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To

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R.N.MANJULA, J.

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