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W.P.Nos.33746 of 2022 & 17622 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.33746 of 2022 and
W.M.P.Nos.33258, 33259, 33261, 33262 & 33264 of 2022
and
W.P.No.17622 of 2023 and
W.M.P.No.16709 of 2023

1.A.Anand
2.P.Manikandan
3.S.Selvaraj
4.M.Govindarajulu
5.S.Girija
6.N.Subramani
7.A.Chandralega
8.Y.Devendiran ... Petitioners in both Writ Petitions

Versus

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Human Resources Management Department,
Fort St.George, Chennai – 600 009.

2.The Directorate of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006. ... 1st & 2nd Respondents in both Writ Petitions

3.Teachers Recruitment Board,
Rep. by its Chairman,
3rd Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600 006. ... 3rd Respondent in W.P.No.33746 of 2022



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4. Teachers Recruitment Board,
Rep. by its Secretary,
3rd & 4th Floor, Puratchi Thalaivar
Dr.MGR Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
DPI Campus, College Road,
Chennai – 600 006. ... 3rd Respondent in W.P.No.17622 of 2023

PRAYER in W.P.No.33746 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, or any Writ, order or direction, calling for the records pertaining to the Provisional Selection List dated 04.02.2022 issued by the 3rd Respondent for Direct Recruitment to the post of Block Educational Officer in Elementary Educational Department for the year 2018-2019 and quash the same in so far as the said Provisional Selection List did not include the 23 additional posts of Block Educational Officer added in the Corrigendum and Addendum notification dated 28-12-2021 to the Notification 13/2019 dated 27.11.2019 for want of clarification relating the PSTM quota from the 1st Respondent and consequently direct the 3rd Respondent to issue a fresh Provisional Selection List for the 23 additional posts of Block Educational Officer 2018-2019 pursuant to recruitment Notification No.13/2019, dated 27.11.2019 read with the corrigendum dated 28.12.2021 for the year 2018-2019 in accordance with law by including the names of the petitioners who have already completed certificate verification within a time frame to be fixed by this Court.

PRAYER in W.P.No.17622 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, or any other Writ, order or direction, calling for the records relating to Notification No.01/2023, dated 05.06.2023 issued by the 3rd Respondent and quash the same in so far as the said Notification is treating the 23 additional vacancies as separate vacancies and consequently direct the 3rd respondent to fill up the 23 vacancies out of 33 vacancies notified by treating the 23 vacancies as part of the 120 vacancies already notified and issue appointment orders to the petitioners as Block Educational Officers based on the marks obtained by the Petitioners in the written exam conducted pursuant to Notification No.13/2019, dated 27.11.2019.



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For Petitioners
in both Writ Petitions : Mrs.Nalini Chidambaram,
Senior Counsel for Mrs.C.Uma

For R1 & R2
in both Writ Petitions : Mr.P.Baladhandayutham,
Special Government Pleader

For R3
in both Writ Petitions : Mr.R.Neelakandan,
Additional Advocate General assisted by
Mr.M.Alagu Gowtham,
Government Pleader

COMMON ORDER

W.P.No.33746 of 2022 has been filed to quash the Provisional Selection List, dated 04.02.2022 issued by the 3rd respondent for Direct Recruitment to the post of Block Educational Officer in Elementary Educational Department for the year 2018-2019 in so far as the said Provisional Selection List did not include the 23 additional posts of Block Educational Officer added in the Corrigendum and Addendum notification, dated 28.12.2021 to the Notification No.13/2019, dated 27.11.2019 for want of clarification relating the PSTM quota from the 1st respondent and consequently direct the 3rd Respondent to issue a fresh Provisional Selection List for the 23 additional posts of Block Educational Officer for the year 2018-2019 pursuant to recruitment Notification No.13/2019, dated 27.11.2019 read with the corrigendum, dated 28.12.2021 for the year 2018-



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2019 in accordance with law by including the names of the petitioners who have already completed certificate verification.

2.W.P.No.17622 of 2023 has been filed to call for the records relating to Notification No.01/2023, dated 05.06.2023 issued by the 3rd respondent and quash the same in so far as the said Notification is treating the 23 additional vacancies as separate vacancies and consequently direct the 3rd respondent to fill up the 23 vacancies out of 33 vacancies notified by treating the 23 vacancies as part of the 120 vacancies already notified and issue appointment orders to the petitioners as Block Educational Officers based on the marks obtained by the petitioners in the written exam conducted pursuant to Notification No.13/2019, dated 27.11.2019.

3.The case of the Writ Petitioners is that the 3rd respondent issued Notification No.13/2019, dated 27.11.2019 inviting application from eligible candidates for the Direct Recruitment for the post of Block Educational Officer in Elementary Education Department for the year 2018-2019. Totally 97 vacancies in the post of Block Educational Officer was notified. Thereafter, on 28.12.2021, Addendum has been issued including 23 additional vacancies for the years 2019-2020 and 2020-2021 as sought by



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the Director of Elementary Education on 07.11.2021 which is additional to already notified vacancies as cited in the Notification No.13/2019.

Therefore, after the Addendum, the total vacancies has been increased from 97 to 120 to the post of Block Educational Officer. After completion of examination, the petitioners were called for certificate verification. However, as far as 97 vacancies, as per the earlier Notification No.13/2019, the Provisional Selection List, dated 04.12.2022 has been released. As far as the remaining 23 vacancies, which was included as per Addendum, a communication has been sent to the effect that the Provisional Selection List will be released after getting clarification from the Government. Hence, it is the contention of the Writ Petitioners that they are qualified candidates and they were called for certificate verification based on the Notification No.13/2019. Now, fresh Notification No.01/2023, dated 05.06.2023 has been issued for filling up the vacancies for the years 2019-2020 and 2020-2021 which has been challenged by the petitioners in the present W.P.No.17622 of 2023. Hence, the Writ Petitioners seek appointment as per original notification and sought for quashment of the Provisional Selection List, dated 04.02.2022.



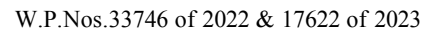
4.Counter affidavits have been filed by the 3rd respondent. It is the contention of the 3rd respondent that originally, the Notification No.13/2019 was issued for filling up 97 vacancies following G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, thereafter, an Addendum has been issued on 28.12.2022 to include additional 23 post towards vacancies for the years 2019-2020 and 2020-2021 as per the request of the User Department. In the meanwhile, G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 came into effect. The difference between the above said two Government Orders are as follows:

<i>G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010</i>	<i>G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021</i>
“(b)” Persons studied in Tamil Medium means persons who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil medium of instruction”	“Persons who have studied in Tamil medium from Class I onwards upto the educational qualification (10/12 Classes, Diploma, Bachelor / Post Graduate Degrees) as defined for direct recruitment in the Act passed in the year 2010 and subsequent Amendment made in 2020 Amendment Act above shall be considered for priority”



Hence, it is contention that as far as 97 vacancies, Provisional Selection List, dated 04.02.2022 made as per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010 and meritorious candidates placed them in their respective turn based on the marks secured by the candidates. Since at the time of issuance of Addendum, G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 came into effect. Hence, clarification has been sought by the 3rd respondent, however, the Government vide letter, dated 25.07.2022 stated that for the remaining 23 vacancies, it may not be appropriate to follow up two different orders governing to PSTM for the same selection. As such it was directed to request to issue separate notification and conduct separate examination based on G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021. Hence, it is submitted that fresh Notification No.01/2023 has been issued after clarification sought by the 3rd respondent.

5.Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of Mrs.C.Uma, learned counsel for the petitioner submitted that a Notification No.13/2019, dated 27.11.2019 has been issued for filling up 97



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6.Mr.R.Neelakandan, learned Additional Advocate General appearing for the 3rd respondent submitted that original Notification No.13/2019, dated 27.11.2019 was issued based on G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, however, at the request of the User Department, an Addendum has been issued to include additional 23 vacancies for the years 2019-2020 and 2020-2021. In the meanwhile, G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 came to be passed. This Court also held in respect of PSTM quota that the candidates should be studied in Tamil Medium from Class I onwards. Therefore, when the law has changed in this regard, an Addendum could not have been given effect to avoid serious consequences. In fact, the Addendum ought not to have been issued when G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 came into effect. Hence, it is the contention that to avoid dispute and also two different orders cannot be applied for the same recruitment process, a clarification has been sought from the Government. Now, the Government vide letter, dated 25.07.2022 has given clarification directing issuance of fresh notification and conduct separate examination based on the G.O.Ms.No.82, Human Resources Department (S)



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Department, dated 16.08.2021. In such view of the matter, both Writ Petitions cannot be maintained.

7.I have heard the submissions of the learned Senior Counsel appearing for the petitioners and the learned Additional Advocate General appearing for the 3rd respondent and perused the entire materials.

8.As pointed by both sides, earlier for filling up 97 vacancies, a Notification No.13/2019 was issued on 27.11.2019 based on the guidelines issued in G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010. Thereafter, at the request of User Department, additional 23 vacancies was also notified by way of Addendum, dated 28.12.2021. Before that, G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 came into effect. It is not disputed on both sides that as far as PSTM quota, only the candidates those who have completed their entire education i.e., from 1st std to 10th std, then 12th std and thereafter, Degree or prescribed qualification only through Tamil Medium can avail PSTM quota. This aspect has been held by this Court and confirmed by the Hon'ble Apex Court. When G.O.Ms.No.82, Human



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Resources Department (S) Department also passed in this aspect on 16.08.2021, an Addendum dated 28.12.2021 has been issued without referring to G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021. The Addendum has been issued simply incorporating 23 additional vacancies for the original Notification No.13/2019, dated 27.11.2019 only at the request of User Department. Now, the entire Provisional Selection List has been issued only in respect of 97 vacancies which were originally notified as per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010.

9.The grievance of the Writ Petitioners is that since they were called for examination and certificate verification, they are qualified candidates and they should be appointed as per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010. According to them, the original Notification No.13/2019, dated 27.11.2019 has to be taken for the entire 120 vacancies. It is relevant to note that the original notification issued for filling up 97 vacancies for the period 2018-2019. Thereafter, as far as PSTM qualification, G.O.Ms.No.82, Human Resources Department (S) Department came to be passed on 16.08.2021. Further, an



Addendum, dated 28.12.2021 has been issued to include 23 additional vacancies that may arise in the year 2019-2020 and 2020-2021. By the time, the law in the above process has been changed and the qualification of PSTM also prescribed.

10.The Government Order in G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 came to be passed pursuant to the order of the Hon'ble Division Bench of this Court in W.P(MD)No.8025 of 2020, dated 22.03.2021 [***G.Sakthi Rao Versus The Chief Secretary, Government of Tamil Nadu, Secretariat, St. George Fort, Chennai-600 009 and others***] wherein it had been held that only the candidates who have completed their entire education i.e., from 1st std to 10th std, then 12th std and thereafter, Degree or prescribed qualification only through Tamil Medium can avail PSTM quota. Such being the position, the Addendum issued to fill up later vacancies without following G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 and without following law declared by this Court, in my view, is not correct. In fact it is a mistake committed by the 3rd respondent/Teachers Recruitment Board in issuing Addendum, dated 28.12.2021 merely at the request of User



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Department. When the law prescribed particular qualification for PSTM, the same has to be strictly followed. Merely because such Addendum has been issued without taking note of G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021, the same will not enure any benefit to the persons who are not qualified or possessed mandatory requirement as stipulated in G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021 and also law declared by this Court.

11.In such view of the matter, mere participation in the selection process based on the Addendum issued wrongly without noticing the G.O.Ms.No.82, Human Resources Department (S) Department, dated 16.08.2021, will not enure any benefit to the Writ Petitioners automatically.

12.In view of the above discussions, I do not find any merits in these Writ Petitions. Accordingly, both the Writ Petitions stand dismissed. Consequently, the connected Writ Miscellaneous Petitions are closed. No costs.

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Index : Yes/No



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Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Human Resources Management Department,
Fort St.George, Chennai – 600 009.
- 2.The Directorate of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chairman,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600 006.
- 4.The Secretary,
Teachers Recruitment Board,
3rd & 4th Floor, Puratchi Thalaivar
Dr.MGR Centenary Building,
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N.SATHISH KUMAR, J.
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