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W.A.(MD) No.1094 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.A.(MD) No.1094 of 2023
and
C.M.P.(MD) No.8388 of 2023**

The Secretary
Tamil Nadu Public Service Commission
TNPSC Road
Park Town
Chennai-600 003

... Appellant

-vs-

1.G.Sakthi Rao

2.The Chief Secretary
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai-600 009

3.The Secretary
Department of Higher Education
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai-600 009

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 20.01.2023, passed in W.P.(MD) No.26878 of 2019, on the file of this Court.

For Appellant : Mr.Isaac Mohanlal, Senior Counsel
assisted by Mr.J.Anandkumar

For Respondents : Mr.G.Sakthi Rao
Party-in-Person for R1
Mr.D.Sadiq Raja
Additional Government Pleader for R2 & R3

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 20.01.2023, passed in W.P.(MD) No.26878 of 2019.

2. A recruitment notification for selection and appointment to Group-I Services in the Government of Tamil Nadu was notified on 01.01.2019 to fill up 181 Group-I vacancies. Of which, 20% of the vacancies are reserved for the Persons Studied in Tamil Medium (PSTM) Quota. The first respondent, admittedly, participated in the process of selection by stating that he is eligible



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to avail the PSTM quota as per the notification issued by the Tamil Nadu Public Service Commission. The first respondent has studied in Tamil medium upto higher secondary course and completed his B.Com. Degree in English medium and thereafter passed three years law course in Tamil medium. Subsequently, he has completed M.Com. Degree in Tamil medium. The grievance of the first respondent is that the law degree obtained by him through Tamil medium was not taken into consideration for the purpose of granting the benefit of PSTM quota and thus, he was not selected.

3. The first respondent, who appeared in person, made a submission that some unqualified persons were appointed under PSTM quota and more specifically his classmate, who studied B.L.Course in Tamil medium was appointed under PSTM quota and therefore, the learned Single Judge has considered his case as a special case for appointment to Group-I services.

4. Learned Senior Counsel appearing for the appellant mainly contended that the online application submitted by the first respondent itself would be sufficient to understand that the first respondent had acquired B.Com., Degree in English medium. The online application submitted by the



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first respondent would reveal that he completed B.Com., Degree in English medium in the year 2008.

5. Learned Senior Counsel appearing for the appellant further stated that the cut off mark for Backward Class candidates under PSTM quota was 401 and the last candidate, who was selected and appointed, had secured 401 marks. The first respondent, who is a BC candidate, has secured 379.5 marks. Therefore, the first respondent did not come within the zone of consideration.

6. When the first respondent did not come within the zone of consideration under PSTM quota and has scored only 379.5 marks and the cut off mark was 401, we are not inclined to consider the case of the first respondent for selection to Group-I Services in the Government of Tamil Nadu under PSTM quota.

7. The first respondent has admittedly completed his B.Com., Degree through English medium and therefore, he is not eligible to avail the benefit of PSTM quota as per the recruitment notification. The learned Single



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Judge, though considered this fact, has granted the relief of selection and appointment of the first respondent as a special case. In the event of granting any such special concession to a particular candidate, it will result in discrimination and there are several other candidates, who are all longing to secure public employment through open competitive process.

8. Equal opportunity in public employment is the constitutional mandate. All selections are to be made strictly in accordance with the statutes, rules and the conditions stipulated in the recruitment notification.

9. In the present case, the process of selection was completed and the selected candidates were appointed in Group-I services in the Government of Tamil Nadu in various Departments. In the event of considering the case of the first respondent as a special case, it would result in discrimination amongst the other eligible candidates, who are standing near the cut off marks. Therefore, the special concession extended to the first respondent is not in consonance with the established principles. Thus, we find that the relief granted to the first first respondent by the learned Single Judge is perverse and accordingly, we are inclined to interfere with the impugned order.



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10. In the result, the writ appeal is allowed and the order of the learned Single Judge, dated 20.01.2023, passed in W.P.(MD) No.26878 of 2019, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.
- 2.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, St.George Fort,
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