



W.P.(MD).No.25994 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.10.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.25994 of 2019
and
W.M.P.(MD).Nos.22501 and 22502 of 2019

K.Maheshvaran

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Teachers Recruitment Board,
Represented by its Member Secretary,
College Road,
Chennai - 600 006.
- 3.The Chairman,
Teachers Recruitment Board,
Government of Tamil Nadu,
College Road,
Chennai - 600 006.



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4.The Member Secretary,
Teachers Recruitment Board,
Government of Tamil Nadu,
College Road,
Chennai - 600 006.

5.The Secretary to Government,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.

6.The Secretary to Government,
Department of Tamil Official-
Language and Archaeology,
Fort St.George,
Chennai - 600 009.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Declaration, declaring the definition of “persons studied in Tamil Medium” under section 2 (d) of the Tamil Nadu Appointment of Preferential Basis in the Services Under the State of Persons Studied in Tamil Medium Act, 2010 as ultra vires the Constitution of India and consequently direct the respondents to confer the benefit of 20% reservation available to the PSTM candidates to the petitioner herein subject to the satisfaction of other eligibility criteria under the impugned notification vide Notification No.12 of 2019, dated 28.08.2019 and 04.10.2019.

For Petitioner	: Mr.A.John Vincent
For R-1, R-5 & R-6	: Mr.S.Kameswaran Government Advocate
For R-2, R-3 & R-4	: Mr.VR.Shanmuganathan



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The Writ of Declaration on hand has been instituted questioning the validity of Section 2(d) of the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons studied in Tamil Medium Act, 2010 and consequently, direct the respondents to confer the benefit of 20% reservation available to the PSTM candidates to the petitioner.

2. Admittedly, the petitioner submitted an application for selection and appointment to the post of Assistant Professor. Further, the writ petitioner admittedly undergone the post graduation course of M.Sc Physics in english medium. Therefore, he is not falling under the category of PSTM.

3. In respect of the issue relating to challenge of the provisions of the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons studied in Tamil Medium Act, the Division Bench of this



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Court, in the case of ***G.Sakthi Rao Vs. The Chief Secretary, Government of Tamil Nadu and others reported in 2021 (4) MLJ 450***, upheld the validity of Section 2(d) of the Act. Thus, the relief as such sought for in the present Writ Petition is not entertainable. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
17.10.2023

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

To

1.The Principal Secretary to Government,
The Government of Tamil Nadu,
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