



W.P.(MD).No.26241 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.11.2023

CORAM

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

W.P.(MD).No.26241 of 2023
and
W.M.P.(MD).Nos.22707 and 23467 of 2023

M.Lavanya

.. Petitioner

Vs.

- 1.The Chairman,
The Tamil Nadu Public Service Commission,
Chennai – 600 003.
- 2.The Secretary,
The Tamil Nadu Public Service Commission,
Chennai – 600 003.
- 3.The Registrar,
Tamil Nadu Dr.Ambedkar Law University,
MGR Salai,
Ambedkar Nagar,
Perungudi,
Chennai.

.. Respondents

*(R-3 is suo motu impleaded vide Court order dated 01.11.2023 in W.P.
(MD).No.26241 of 2023)*



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents to permit the petitioner to participate in the Mains and other examinations for the recruitment to the post of Civil Judge called for by the 2nd respondent by the Notification No.12/2023 dated 01.06.2023 and consequently direct the 2nd respondent to issue Hall Ticket for the forthcoming exam scheduled to be held on 04.11.2023.

For Petitioner : M/s.J.Anandhavalli
For R-1 & R-2 : Mr.J.Anandhakumar
For R-3 : Mr.K.P.Krishnadoss

ORDER

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

The Writ Petition on hand has been instituted to direct the respondents to permit the petitioner to participate in the Mains and other examinations for the recruitment to the post of Civil Judge called for by the second respondent by Notification No.12/2023 dated 01.06.2023 and consequently direct the second respondent to issue hall ticket for the forthcoming exam scheduled to be held on 04.11.2023.



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2. At the time of admission, we have granted an interim order by permitting the writ petitioner to write the examination subject to the final orders to be passed in the Writ Petition.

3. When the matter is taken up for hearing today, the learned counsel appearing on behalf of the Tamil Nadu Public Service Commission/second respondent made a submission that the issue raised in this Writ Petition is covered by a judgment of the Full Bench of this Court in the case of ***R.Boominathan Vs. Government of Tamil Nadu and others*** reported in ***(2019) 5 CTC 873***.

4. Admittedly, the writ petitioner studied law course in the year 2015-2020 in Government Law College at Tiruchirappalli. As far as the Government Law College, Tiruchirappalli is concerned, the Tamil medium was introduced only during the academic year commencing from 2017 onwards by virtue of G.O.Ms.No.33, Law (LS) Department dated 31.01.2017. Since the petitioner was admitted into the five years law course in the year 2015, she cannot claim the benefit of PSTM category. The relevant portion of the Full Bench judgment is extracted hereunder:



“15. Insofar as Government Law Colleges at Tiruchirapalli, Coimbatore, Tirunelveli and Chengalpattu, the learned Additional Advocate General would submit that till the academic year 2016-2017, there was no separate section for Tamil Medium. Thereafter, by virtue of GO. Ms. No. 33, Law (LS) Department dated 31.01.2017 sanction was accorded by the Government for introduction of Tamil as Medium of instructions from the academic year 2017-2018.

16. In the Colleges functioning at Vellore, Villupuram, Dharmapuri and Ramanathapuram, admittedly, there is no separate section in existence.

...

28. For the purpose of recognising a candidate, within the realm of selection to employment in Government services, under PSTM category, a candidate should have studied in Tamil as medium of instruction. Therefore, in order to avail the benefit of reservation earmarked under PSTM category, a candidate has to furnish a certificate to the effect that he or she studied in Tamil as medium of instruction. Such certificate will be issued by the Head of the Institution/Registrar or Principal of the College, as has been contemplated under GO. (Ms) No. 145, Personnel and Administrative Reforms Department dated 30.09.2010, in the prescribed format, certifying that he or she studied the course in Tamil by indicating the duration (academic year) during which the candidate pursued the



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course. It is this certificate which will form the basis for recognising a candidate for having studied in Tamil medium of instruction so as to enable him or her to get the benefit of reservation under PSTM category. It is needless to mention that merely because a candidate writes the academic examination or competitive examination in Tamil, it will not recognise such candidate to get the reservation under PSTM category. The requirement is that a Certificate issued by the Head of the Institution/Registrar or Principal of the college, in the prescribed format, certifying that he was imparted with the course in Tamil as medium of instruction, has to be furnished, so as to enable a person to get the benefits of reservation under PSTM category. In the absence of such a certificate, a candidate cannot be regarded or recognised as a preferential candidate, who can avail the benefit of reservation under PSTM category. In other words, if such a certificate is not produced, he or she cannot be recognised as a candidate, who can be extended the benefit of reservation under PSTM category. Therefore, we hold that compliance of the requirements contemplated under GO. (Ms) No. 145 dated 30.09.2010 to furnish a certificate issued by the Head of the Institution/Principal or Registrar of the College, in the prescribed format, is a mandatory requirement to get the benefit of concession and/or reservation earmarked by the State under PSTM category. We therefore answer the reference made



to us as follows:—

(i) *A person who studied the Course in Tamil or had written the University or Competitive examination in Tamil will not ipso facto recognise or qualify him or her to claim reservation under Persons Studied in Tamil Medium (PSTM) category*

(ii) *Even though a person opted for Tamil as Medium of Instructions in the Colleges or studied the Courses in Tamil or written examinations in Tamil, in the absence of a certificate issued by the Registrar/Principal or Head of the Institution in the prescribed format stating that he or she pursued the education in Tamil as Medium of Instruction throughout, he or she cannot be placed on par with PSTM Candidates for the purpose of claiming reservation under the preference quota*

(iii) *Tamil, as Medium of Instruction, is not in vogue in certain colleges, or rather to say, Law Degrees are not imparted in Tamil as a Medium of Instructions.*

29. *Only in few colleges, Law Degrees are imparted in Tamil as Medium of Instructions and in some other colleges, it is being imparted intermittently. Only if a student pursued the entire Course in Tamil and obtained a Certificate to that effect from the head of the Institution/Registrar or Principal of the College, will he or she be declared as the one who is eligible to claim preference in public employment under PSTM category. As on date, Law Colleges at Chennai, Madurai, Coimbatore,*



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Tiruchirapalli, Tirunelveli and Chengalpattu are imparting the courses in Tamil as medium of instruction, as could be evident from GO. Ms. No. 33, Law (LS) Department dated 31.01.2017 as well as the counter affidavit filed by Director of Legal Studies, Chennai.”

In view of the Full Bench judgment cited supra, the petitioner is not entitled for the relief as such sought for in the Writ Petition.

5. Further, the learned counsel for the second respondent made a submission that the case of the petitioner was considered under the general category and she does not come within the zone of consideration. That being so, the petitioner is not eligible for consideration.

6. 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.)
27.11.2023

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