



W.P.(MD)No.29205 of 2022

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DATED:02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29205 of 2022
and
W.M.P(MD)No.23141 of 2022

S.Thavamani

... Petitioner

Vs.

- 1.The Teachers Recruitment Board,
Rep. by its Chairman,
DPI Campus, College Road,
Chennai – 600 006
- 2.The Commissioner of School Education,
Directorate of School Education,
DPI Complex, College road,
Chennai – 600 006.
- 3.S.Bharatgu
- 4.Jayachithra
- 5.A.Sudalaimuthu
- 6.Y.Lingaraj
- 7.V.Bhuvaeswari
- 8.G.Ramya
- 9.S.Sureshkumar
- 10.S.Varalakshmi
- 11.T.Ramalakshmi
- 12.V.P.Sivakumar
- 13.B.Latha
- 14.S.Karpagam



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- 15.R.Kalaichelvi
- 16.S.Vijayalakshmi
- 17.N.Gomathi
- 18.R.Saravanan
- 19.R.Alamelu
- 20.K.Suganthi
- 21.S.Makes
- 22.Geetha
- 23.R.Jeyasubashini
- 24.V.Bhuveseswari
- 25.M.Sekar
- 26.R.Karthigalakshmi
- 27.K.Celine
- 28.S.Prabha
- 29.P.Venkateswari
- 30.R.Vallitheivania
- 31.S.Mohanavalli
- 32.N.Anuradha
- 33.M.Amutha
- 34.S.Priya
- 35.A.Mansula
- 36.N.Kabildev
- 37.M.Backyalakshmi
- 38.R.Thamilpriya
- 39.R.Meena
- 40.C.Samundeeswari
- 41.V.Ramya

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notification in Advertisement No.01/2021, dated 09.09.2021 and the consequential selection of the respondent Nos.3 to 41 under PSTM (Persons Studied under Tamil Medium) on the file of the first respondent and quash the same as illegal to the extent of offering PSTM Reservation for the post of PG Assistants in Commerce and



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selecting/appointing the respondents 3 to 41 who have studied under-graduation and post-graduation in commerce through distance education and consequently to appoint the petitioner and others who have studied through regular college in such posts of PG Assistants in Commerce within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.S.Louis
For R-2	: Mr.V.R.Shanmuganathan
For R-2	: Mr.J.Ashok, Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned notification issued by the first respondent in Advertisement No.01/2021, dated 09.09.2021 and the consequential selection of the respondent Nos.3 to 41 under PSTM (Persons Studied under Tamil Medium) as illegal to the extent of offering PSTM Reservation for the post of PG Assistants in Commerce and selecting/appointing the respondents 3 to 41, who have studied under-graduation and post-graduation in commerce through distance education and consequently to appoint the petitioner and others who have studied through regular college in such posts of PG Assistants in Commerce within a stipulated period.



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2. The case of the petitioner is that the first respondent issued the impugned notification No.1 of 2021, dated 09.09.2021, calling for on-line application for the post of Post Graduate Assistants in different subjects. The petitioner applied for Commerce subject. Though the petitioner has studied in Tamil Medium up to 12th standard, the petitioner could not apply under the PSTM Category because the website required studies in Tamil Medium in concerned subject up to Post Graduation. The grievance of the petitioner is that for commerce subject, there is no Tamil Medium available in any college for UG and PG. Therefore, the petitioner was under the impression that everyone applying for commerce subject is facing the same problem. However, to the shock and surprise of the petitioner, the respondent 3 to 41 were selected on the strength of their graduation through Distance Education in Tamil Medium, which is not sustainable. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that when there is no possibility of getting graduation in Tamil Medium for UG and PG in Commerce subject in regular scheme, the notification providing for special reservation to Commerce subject is erroneous and not



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sustainable and further, the respondents 3 to 41, who were all selected, got lower marks than the petitioner and therefore, their selection is violative of Article 14 of the Constitution of India and prays for allowing of this writ petition.

4. Per contra, the learned standing counsel appearing for the first respondent would submit that the impugned notification is issued in the year 2021 and for commerce subject, several categories were earmarked. The petitioner applied under BC Woman category and she did not apply under PSTM category. Therefore, she cannot challenge the selection under PSTM category at the later point of time. Further, distance education is valid on par with the regular course as per the dictum laid down by the Hon'ble Apex Court and therefore, the grievance of the petitioner is not sustainable and hence, prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly, the petitioner participated in the selection process for the post of P.G., Assistant in commerce subject under BC Woman category.



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However, the present writ petition is filed challenging the selection of candidates, who have got selected for the post of P.G. Assistant (Commerce) under PSTM category. Admittedly, the petitioner did not apply under PSTM category. Obviously, the petitioner cannot apply under PSTM category as she completed her UG and PG in English Medium. Though the petitioner claims that no Tamil medium is available in any college for commerce subject, she did not challenge the notification at the relevant point of time. Having subjected herself in the selection process and applied under BC Woman category, the petitioner cannot file a writ petition challenging the very same notification, which is not sustainable one. Therefore, the prayer made in the writ petition is misconceived and the same cannot be granted.

7. In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

NCC: Yes/No



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