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W.P.Nos.4129 and 22818 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.4129 and 22818 of 2022 and
W.M.P.Nos.4260, 4261, 4262, 21847 & 21849 of 2022

W.P.No.4129 of 2022

L.Logarajan

...Petitioner

-Vs-

1. The Chief Secretary,
Government of Tamilnadu,
Human Resources Management Department,
Secretariat, St., George Fort,
Chennai-600 009.

2. The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.

3. The Controller of Examination,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.

...Respondents

Prayer in W.P.No.4129 of 2022 : Writ Petition filed under Article 226 of the



W.P.Nos.4129 and 22818 of 2022

Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the impugned Government Order in G.O.Ms.No.82, Human Resources Management(s) Department dated 16.08.2021 passed by the first respondent herein and quash the same as ultra vires the Tamilnadu Appointment on preferential basis in the Services under the State to Persons Studied in Tamil Medium Act, 2010 and the subsequent amendment to the said Act vide Act No.35 of 2020 and consequentially quash the "Revised List" of candidates provisionally admitted to the Main Written Examination for appointment by direct recruitment to the posts included in the Combined Civil Services-I Examination (Group-I Services) published by the 3rd respondent on 14.12.2021, in so far as the petitioner is concerned and direct the 3rd respondent to include the name of the petitioner and permit the petitioner to write the Main Written Examination for appointment by direct recruitment to the Posts included in the Combined Civil Services-I, Examination (Group-I Services) scheduled to be held on 04.03.2022, 05.03.2022 and 06.03.2022.

For petitioner	: Mr.Vikram Veerasamy
For respondent 1	: Mr.P.S.Raman, Advocate General Assisted by Mr.P.Balathandayutham, Special Government Pleader
For respondents 2 & 3	: Mr.Abrar Mohammed Abdullah Standing Counsel

W.P.No.22818 of 2022



W.P.Nos.4129 and 22818 of 2022

K.Elayaraja

...Petitioner

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-Vs-

1. The State of Tamilnadu,
Rep. by its Chief Secretary to Government,
Fort. St., George,
Chennai-600 009.
2. The State of Tamilnadu,
Rep by its Secretary to Government,
Human Resources Management Department,
Fort St., George,
Chennai-09.
3. The State of Tamilnadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St., George,
Chennai-09.
4. The Board of Secondary Education Tamilnadu,
Rep. by its Secretary,
Department of Government Examination,
Chennai-600 006.
5. The State Board of School Examinations TamilNadu,
Rep. by its Secretary,
Department of Government Examination,
Chennai-600 006.
6. The Tamilnadu Public Service Commission (TNPSC)
Represented by its Secretary,
Chennai Service Commission Road,



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Chennai-600 003.

...Respondents

Prayer in W.P.No.22818 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned Government Order in G.O.Ms.No.82, Human Resources (S) Department dated 16.08.2021 in so far as Clause 4 (III) is concerned and the consequential Advertisement/Notification issued by the Secretary, Tamilnadu Public Service Commission, the 6th respondent herein vide Advertisement No.620, Notification No.16/2022 dated 21.07.2022 in so far as Clause 12 (D) (VI) and Para 14(R) of Instructions to the Candidates dated 22.03.2022 and quash the same thereby direct the respondents herein to treat the petitioner as eligible for availing the benefit of 20% Reservation/Preference provided for the Persons studied in Tamil Medium for direct recruitment to the vacancies in the Posts included in Combined Civil Services Examination -I (Group-I) Services.

For petitioner	: Mr.A.R.Suresh
For respondents 1 to 5	: Mr.P.S.Raman, Advocate General Assisted by Mr.P.Balathandayutham, Special Government Pleader
For respondent 6	: Mr.Abrar Mohamed Abdullah

COMMON ORDER

These writ petitions have been filed challenging the order in



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G.O.Ms.No.82, Human Resources Management (S) Department dated 16.08.2021 and consequent notification for direct recruitment to the vacancies to the post included in the Combined Civil Services Examination (Group-I Services).

2. The brief facts of the case in W.P.No.4129 of 2022 is that the petitioner had begun his institutional education viz., Kattakudi, Panchayat Union Elementary School, Needamangalam Panchayat Union, Tamilnadu from 3rd Std after completion of his 1st and 2nd Standard through Private Study Mode. His tutor, one, Mr.E.S.Natarajan, retired Headmaster also issued certificate to the extent that the petitioner was fit to be admitted to third standard. Thereafter, the petitioner admitted into 3rd standard directly in the Tamil Medium of instructions. After completion of his school Education up to 12th Standard in the Tamil Medium of instructions, the petitioner had joined in the College of Engineering, Guindy Campus, Anna University and acquired a degree in B.E., Civil Engineering during the year 2014-2018 in Tamil as the medium of instruction. While being so, the 2nd respondent issued notification dated 20.01.2020 inviting applications form



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eligible candidates for direct recruitment to the post included in the combined Civil Service-I Examination (Group-I Services) 2019-2020. As per notification, approximately 69 vacancies were notified to be filled up against various categories. The petitioner had applied for the said post through online mode.

2.1. As per notification, the 2nd respondent has provided Clause 6(B) in so far as requisite educational qualification that applicant should possess degree in any of the universities mentioned in the notification by passing 10th standard + HSC or its equivalent + UG degree from recognized institutions as required under section 25 of Tamilnadu Government Servants (Conditions of Service) Act, 2016. The selection process consists of three stages i.e., preliminary examination, main written examination and oral test in the form of interview. Due to Covid-19 pandemic the preliminary examination was postponed from time to time and finally held on 03.01.2021. As per Clause 12(B) says that 20% reservation of vacancies on preferential allotment to the Persons Studied in Tamil Medium (hereinafter referred as PSTM) as per G.O.Ms.No.145, Personnel and Administrative



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Reforms (S) Department dated 30.09.2010 and G.O.Ms.No.40, Personnel and Administrative Reforms dated 30.04.2014. The petitioner had cleared Preliminary Examination and paid requisite fees for the main examination.

2.2. While being so, two candidates had challenged the notification and they prayed to allow only candidates those who have completed their entire education through Tamil Medium to avail the PSTM Quota. The Hon'ble Division Bench of this Court held that only those candidates who completed their entire education right from schooling up to the prescribed qualification either Degree, Diploma or Post Graduation, in Tamil Medium alone are entitled to avail the benefit of 20% reservation under PSTM quota. Based on which the first respondent passed order in G.O.Ms.No.82, Human Resources Management Department dated 16.08.2021, thereby several guidelines were issued to determine the eligibility of candidates for 20% of reservation of vacancies on preferential allotment in service under the PSTM quota under the State to Persons Studied in Tamil Medium Act, 2010 and the subsequent amendment to the said Act vide Act No.35 of 2020. Accordingly, the following guidelines



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were issued :

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"a. Only candidates who have studied in Tamil as medium of instruction from 1st Standard to the prescribed educational qualification for that particular post will be eligible for 20% reservation of vacancies on preferential allotment in services under the State as per the PSTM Act.

b. Candidates who have studied in other languages as Medium of instruction and have written the examination, for the allotment in service, alone in Tamil, are not eligible for 20% reservation of vacancies on preferential allotment as per the PSTM Act.

c. Private Candidates who have passed their 10th Standard Public Examinations in Tamil, directly without attending School from class 1 to 9 and those candidates who had studied in other states in languages other than Tamil as their Medium of Instruction and have subsequently joined School in the State of Tamilnadu and have pursued their remaining school education in Tamil as Medium of Instruction are not eligible for 20% reservation of vacancies on preferential allotment as per the PSTM Act."

2.3. Accordingly, the 3rd respondent issued list of candidates provisionally admitted to the main examination. In the provisional list, the petitioner was not considered for the reason that he had not reached the zone of consideration for provisional admission to the main examination. Though, the petitioner had studied his entire school education in the medium of Tamil upto the prescribed educational qualification namely Bachelor of Engineering in Civil, he was not considered for main examination under PSTM quota.



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3. The brief facts of the case in W.P.No.22818 of 2022 is that he had completed his Preliminary and Middle School Education up to 8th Standard in the Panchayat Union Middle School, Melacheri Village & Post, Gingee Taluk. Due to various reasons his family had to vacate from his native village and move to Kanchipuram District. Therefore, the petitioner was unable to pursue his education even in Government School as he was under the obligation of going for employment during the day time in order to support his family. The then District Collector, Kanchipuram District who thought innovatively for the benefit and welfare of the Child Labourers who were dragged to employment at their early age during the day time and to start night schools namely "Nila Olli Palli" (Moon Light Schools). The District Collector, Kanchipuram himself was the Chairman of the Schools. The classes were conducted from 6 to 9 in the evening by the duly qualified teachers. The petitioner and others who have discontinued their studies were invited by the District Administration to enroll themselves for this continuous education project and accordingly the petitioner was admitted to the "Nila Olli Palli" in the medium of Tamil. They were taken to



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examination by the District Administration for the public examinations for the Secondary School Leave Certificate (SSLC) and Higher Secondary Course Certificate (HSC). Accordingly, the petitioner had completed school up to higher secondary course and joined in the regular course of Under Graduation in B.A., (Sociology) Degree in the medium of Tamil.

3.1. After completion of his UG, he was fully qualified to appear for competitive examination conducted by the TNPSC. As per the State of person studied in Tamil medium Act 2010, he is eligible for participating in the competitive examination under PSTM quota. As per the notification for the Gr-I services the petitioner had applied and attended his preliminary and written examination. Thereafter, the petitioner was selected for oral interview. However, he was not selected. In the year 2020, the petitioner applied for Group-I examination and cleared Preliminary Examination, though the petitioner was not called for interview. Therefore, the petitioner submitted representation stating that whether the preference as provided under the PSTM Act has been given to the petitioner or not. The TNPSC replied that as per G.O.Ms.No.82, Human Resources Department dated



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16.08.2021 in para 4(iii), that persons who had not went to school from 1 to 9th standard and appeared directly in the 10th standard examination as a private candidate and persons who had studied in other languages in other states and thereafter joined the school in the Tamilnadu in Tamil Medium from the standard in which they were admitted, they are not eligible to avail the benefit under of PSTM quota

4. Heard, the learned counsel appearing on either side.

5. In the Act 35 of 2020 i.e., the Tamilnadu Appointment on preferential basis in the Services under the state of persons studied in Tamil Medium (Amendment 2020) Act in and by which in Section 2(d) of the Original Act 2010 was substituted as follows:

"(d) Persons studied in Tamil medium" means, A person who have studied through Tamil medium of instruction upto the education qualification prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State

Explanation-For the purpose of this clause-

(i) In cases, where SSLC is prescribed as the educational qualification, one shall have studied upto SSLC through Tamil medium of instruction.

(ii) in cases, where a Higher Secondary Course is



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prescribed as the educational qualification, one shall have studied SSLC and the Higher Secondary Course through Tamil medium of instruction.

(iii) In cases, where a diploma is prescribed as the educational qualification, one shall have studied SSLC and the diploma through Tamil medium of instruction or if the diploma is obtained after completion of Higher Secondary Course then one shall have studied SSLC, Higher Secondary Course and the diploma through Tamil medium of instruction.

(iv) In cases, where a degree is prescribed as the educational qualification one shall have studied SSLC, Higher Secondary Course and the degree through Tamil medium of instruction.

(v) In cases, where a post graduate degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course, degree and the post-graduate degree through Tamil medium of instruction."

6. However, the said amendment is silent about the status of the candidate who have studied upto a particular standard in the Regular school and thereafter appeared in the 10th standard Public Examination (SSLC), Higher Secondary Examination and further the Degree qualification all through the Tamil Medium of instructions. Services under the persons studied in Tamil Medium (Amendment 2020) Act in and by which in Section 2(d) of the Original Act 2010 was interpreted by the Hon'ble Division Bench of this Court in the case of ***G.Sakthi Rao vs The Chief Secretary, Government of Tamilnadu and others*** reported in ***2021 (4) MLJ 450*** held as



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follows :

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"Persons who completed their entire education right from schooling up to the required qualification in Tamil Medium of instructions alone would be entitle for the benefits under PSTM Act."

7. Further, the Full Bench of this Court in the case of ***R.Boominathan and others vs Government of Tamilnadu*** and others reported in **2019 (7) MLJ 385** held that for the purpose of recognizing candidate, within the realm of selection to employment in Government Services, under PSTM quota, a candidate should have studied their entire education up to requisite qualification in Tamil as medium of instruction and in order to avail the benefit of reservation earmarked under PSTM quota, a candidate has to furnish a certificate to the effect that he or she studied in Tamil as medium of instruction. As per G.O.Ms.No.145, Personnel and Administrative Reforms Department dated 30.09.2010, certificate issued by the Head of the Institution/Registrar or Principal of the college, in the prescribed format, certifying that the candidate was imparted with the course of Tamil as medium of instruction, has to be furnished, so as to enable a person to get the benefits of reservation under PSTM category.



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Unfortunately, the first respondent failed to note that the numerous pupils have been admitted to recognized schools in the state of Tamilnadu and directly placed in the standard for which they are found fit without studying first standard based on the Educational Rules and Act that was prevailed at that point of time. Pupils who studied through unrecognized private studies were also admitted and directly placed in the standard for which they were found fit. In fact, the Hon'ble Division Bench of this Court categorically held that candidates who have completed their entire education, right from schooling that is from 1st standard upto SSLC, HSC, prescribed qualification either Degree, Diploma or Post Graduation in Tamil medium alone are entitled to avail the benefit of 20% reservation for PSTM quota.

8. Therefore, the intention of the Hon'ble Division Bench of this Court is very clear that to give benefit to the candidates who have completed their entire education in Tamil as medium of instructions to remove the disability sustained by the Tamil medium students to get employment as provided in Central Government as well as other State Government Services. Therefore, the words uttered in the Government Order run contrary to the



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judgment and the object of the Act. Hence, the broad interpretation needs to be provided for the Government order. The objection and reasons of the Act states that in order to facilitate the adhesive enforcement for their pupils to prefer Tamil till various levels of education and also over come the disability created due to studying in Tamil medium were compared to those who are studying English medium have got order for employment either Central Government or State Government or Private Sectors and abroad the Act was brought into force. Therefore, the students who studied through private study much before coming from unrecognized schools were admitted directly and placed in a standard for which they were found fit also eligible to apply under the PSTM as per the Act. Therefore, in as much as it confers the benefit of PSTM Act only to candidates who have studied in Tamil as medium of instructions from 1st standard to prescribed educational qualification is liable to be struck down in the impugned G.O.Ms.No.82, Human Resources Management (s) Department dated 16.08.2021.

9. The first respondent filed counter and the learned Advocate General submitted that in compliance with the directions issued by the



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Hon'ble Madurai Bench of this Court dated 22.03.2021, the Government have framed detailed guidelines with regard to implementation of the Act and Amendment and issued orders in G.O.Ms.No.82, Human Resources Management (s) Department dated 16.08.2021, which are extracted hereunder:

"(1) Only those persons who have studied entirely through Tamil medium of instruction from 1 std upto the qualification prescribed in the relevant service rules would be accorded. preference in direct recruitment under the Tamil Nadu Appointment on preferential basis in the Services under the State of persons studied in Tamil medium Act, 2010 and the amendment made to the said Act in the year 2020.

(ii) Those persons who have pursued their education in other languages as the medium of instruction and only wrote their examination in Tamil language would not be accorded preference under the 'PSTM' quota.

(iii) Those persons who have passed the 10th std examination directly as private candidates without regular schooling from 1st std to 9th std and also those who have studied certain classes of school education in other States in other languages and subsequently joined in Tamil Nadu and studied the remaining classes in Tamil medium would not be eligible under the 'PSTM' quota.

(iv) The claim of those persons who seek reservation under the 'PSTM' quota shall be verified by the recruiting agencies and appointing authorities concerned through educational qualification Certificates, Transfer Certificates and Mark Sheets for having studied in Tamil medium.

(v) The genuineness of the certificates submitted by the candidates for having studied in Tamil medium of instruction shall be verified by the recruiting agencies and appointing authorities through the schools and colleges concerned.



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vi) In those cases where it is not able to ensure that the persons have pursued their education in Tamil medium through the certificates mentioned above, then in such cases candidates shall obtain the certificates for having studied in Tamil medium of instruction from the corresponding educational institutions in the format prescribed in the Annexure to G.O.(Ms.) No.82, Human Resources Management (S) Department, dated 16.08.2021.

(vii) In the event of closure of schools, the candidates shall obtain the certificate for having studied in Tamil medium of instruction from the District Educational Officer / Chief Educational Officer / appropriate authority concerned.

(viii) The medium of instruction (Tamil / English / other language) should be strictly indicated in all the educational qualification certificates (5th, 10th and 12th std, Diploma, UG & PG) and Transfer Certificates issued to the students. Necessary guidelines would be issued by the School Education and Higher Education Departments in this regard.

(ix) A Quick Response (QR) code shall be embedded in the PSTM certificates issued by the competent authority and information such as name of the candidates, name and address of the school / college / educational institution, classes studied, certificate issuing authority shall be contained in such QR codes. 'PSTM' certificates shall be obtained through E-Sevai centres. The School Education and Higher Education Departments shall issue necessary orders in this regard.

(x) Those persons who have qualified in Tamil Literature alone shall be appointed as Teachers for teaching Tamil subject in schools and colleges and those persons who have obtained cross major degrees in Tamil should not be appointed as Tamil Teachers. The School Education and Higher . Education Departments shall. issue necessary amendments to the relevant special rules to the above effect.

(xi) The 20% reservation for the persons studied in Tamil medium



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shall be applied post-wise at every stage of the direct recruitment (preliminary/main /interview/other stages)."

10. Whereas the petitioner in W.P.No.4129 of 2022 had studied from 3rd Standard to 12th Standard in Tamil medium of instruction, but he completed 1st and 2nd Standards through private study mode and as such the petitioner not covered under the provisions of Amendment Act, 2020 and subsequent guidelines issued in Government Order i.e., G.O.Ms.No.82 dated 16.08.2021. Therefore, he becomes ineligible to avail benefit of PSTM reservation. However, after due deliberations the learned Advocate General on instruction from the first respondent, submitted that the persons who completed their entire schooling in Tamil medium also applied under the PSTM quota and accordingly Government order is liable to be modified. He further submitted that insofar as the writ petitioner in W.P.No.22818 of 2022, he had studied under the "Nila Olli Palli" and directly appeared for 10th Standard and Higher Secondary Education. Therefore, he is not eligible to apply under the PSTM quota.

11. On perusal of counter filed by the 2nd and 3rd Respondent in W.P.No.4129 of 2022 revealed that the petitioner, only from 3rd standard, he



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began his institutional education in Tamil medium and the petitioner had completed his 1st and 2nd standard through private study mode. Therefore, he was not considered under PSTM category and he was considered only as Non-PSTM category and he did not reach the zone of main written examination under Non-PSTM category. Therefore, the first respondent without considering the statement of objections and reasons of the Act and Judgments of this Court has normally interpreted and issued G.O.Ms.No.82, Human Resources Management(s) Department dated 16.08.2021 as much as it confers the benefit of PSTM Act only to candidates who have studied in Tamil from 1st standard to prescribed educational qualification for particular post. Therefore, the words from 1st Standard up to prescribed educational qualification for a particular post is alone Ultra Vires, arbitrary, unreasonable and against the object of the Act, since the purpose of the Act is to give benefit to the candidates who have completed their entire education in Tamil Medium and to remove the disability sustained by the Tamil medium students due to education in Tamil medium. Numerous pupils have been admitted to recognized schools in the State of Tamilnadu and directly placed in a standard for which they are found fit, without studying first standard



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based on the Education Rules and Act that was prevalent in the State at that point of time. It is relevant to rely upon the Right of Children to Free and Compulsory Education Act, 2009 (Act No.35 of 2009)

"Section 4:

provides children above six years, who have either not been admitted to any school or, having been admitted have not completed elementary education and have dropped out, the right to be admitted to a school in a class appropriate to his or her age for completing elementary education.

A majority of out-of-school children belong to disadvantaged communities: scheduled castes, scheduled tribes, Muslim minorities, migrants, children with special needs, urban deprived children, working children, children in difficult circumstances, for example, those living in difficult terrain, children from displaced families, and areas affected by civil strife, etc. This provision in the RTE Act enables these out-of-school children to be admitted to an age-appropriate class and complete elementary education. The overall objective of age appropriate admission for these children is to save them from the humiliation and embarrassment of sitting with younger children. When older children are forced to sit in a class younger than their age, they tend to be teased, taunted, suffer lower self esteem, and consequently drop out. The Act facilitates a child admitted to an



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age appropriate class to be given Special Training to enable him or her to be at par with other children. Given the varied life experiences of these children, it is recognized in the field of education that their mental capabilities are higher than that of entry level 6-year old children, and that they are indeed capable of accelerated learning. At the end of the Special Training, the child will be assessed and his/her suitability for being placed in a particular class will be reviewed. For example, if a 10-year old child was admitted to class IV, and received two years of Special Training till age 12, an assessment may be made as to whether the child could cope better in class V or VI in the formal school, and the child appropriately placed. If such child is found suitable for class V, she/he will be placed in class V, rather than mechanically being placed in class VI – because if she/he is mechanically placed in class VI, she/he might again drop out, and that would defeat the whole purpose of this provision. That is the rationale for the provision that allows the child to be provided free and compulsory education even beyond age 14. Even after a child is appropriately placed in the formal school she may continue to receive special attention by the teacher to enable her to successfully integrate with the rest of the class, academically and emotionally.

The SSA Framework of Implementation has been



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revised to provide support for Special Training as envisaged under the RTE Act to ensure that out-of-school children are integrated into the school system. Such support will be in the form of residential or non-residential courses, as needed and such children will continue even beyond 14 years of age to complete elementary education. The country is committed to creating an educated citizenry and environment, and therefore it would not be appropriate to impose an age ceiling for these children to complete elementary education. The obligation under section 4 is on the schools established by the State Government and local authority. Private aided and unaided institutions have no obligations under section 4."

12. It is made clear that where a child above six years of age has not been admitted under any school or could not be able to complete his/her education, the said student shall be admitted in a class appropriate to his/her age. The first line of the said impugned Government Order is against the said provision under RTE Act. As far as the petitioner in W.P.No.4129 of 2022 is concerned, he had completed his 1st and 2nd standard through private studies in the medium of Tamil. Thereafter, he had joined his institutional education at Kattakudi, Panchayat Union Elementary School, Needamangalam Panchayat Union, Tamilnadu. Thereafter, he completed



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his studies upto prescribed qualification in the medium of Tamil. Therefore, the benefit of PSTM Act confers only to acknowledge who have studied Tamil as medium of instruction from 1st standard upto the prescribed qualification for a particular post as against the basic principle of Article 14 of Constitution of India. Further, it goes against the very purpose of the PSTM Act which was brought into force only to overcome the inequality created among candidates studying in Tamil medium when compared to those who are studying in English Medium who would have better employment scope. Therefore, the candidates should have studied their entire education up to requisite qualification in Tamil medium of instruction is entitled to apply under PSTM quota.

13. In view of the above, the Government Order in G.O.Ms.No.82, Human Resources Management (s) Department dated 16.08.2021 on the file of the 1st respondent insofar as clause 4(iii) "only those who studied their entire education through out in Tamil medium viz., right from 1st standard upto prescribe qualification." is modified as "only those persons who have completed their entire education right from their schooling up to the



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qualification prescribed in the relevant service rules".

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14. Insofar as W.P.No.4129 of 2022 is concerned, the revised list of candidates provisionally admitted in the written examination for the direct recruitment of Combined Civil Service Examinations (Group-I Service) dated 14.12.2021 on the file of the 3rd respondent is quashed insofar as the petitioner is concerned. The 3rd respondent is directed to include the name of the petitioner and permit him to write main examination for the appointment to the direct recruitment of Combined Civil Service Examinations (Group I Service) and for further selection process.

15. Insofar as the petitioner in W.P.No.22812 of 2022 is concerned, the petitioner had completed his basic schooling up to 8th standard in the Panchayat Union Middle School, Melacheri Village & Post, Gingee Taluk. Thereafter, he could not be able to pursue his studies in the school due to his family situation and he was constrained to go for employment in order to support his family. Therefore, the District Collector, Kancheepuram District had started night school namely "Nila Olli Palli" (Moon Light Schools) successfully for benefit and welfare of child labourers who were dragged to employment at their early age during the day time.



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The petitioner was admitted in the said night school i.e., "Nila Olli Palli" and he had completed his SSLC and HSC in Tamil as medium of instruction.

Therefore, it cannot be construed that the petitioner did not study his 9th standard to +2 in Tamil Medium. The object and reasons of the Act states that in order to facilitate the adhesive enforcement for their pupils to prefer Tamil till various levels of education and also over come the disability created due to studying in Tamil medium. Therefore, the respondents are directed to treat the petitioner as eligible candidate availing 20% of preference provided under PSTM quota in the direct recruitment of Combined Civil Service Examinations (Group I Service) and permit the petitioner to write main examination in the Combined Civil Service Examinations (Group I Service) and allow his candidature for selection process of Combined Civil Service Examinations (Group I Service). It is also made clear that this case shall be considered as special case and permit the petitioner to participate in the selection process under PSTM Act.

16. Accordingly, these writ petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.



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To

1. The Chief Secretary,
Government of Tamilnadu,
Human Resources Management Department,
Secretariat, St., George Fort,
Chennai-600 009.
2. The Secretary,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.
3. The Controller of Examination,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.
4. The State of Tamilnadu,
Rep. by its Chief Secretary to Government,
Fort. St., George,
Chennai-600 009.

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5. The State of Tamilnadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St., George,
Chennai-09.
6. The Board of Secondary Education Tamilnadu,
Rep. by its Secretary,
Department of Government Examination,
Chennai-600 006.
7. The State Board of School Examinations TamilNadu,
Rep. by its Secretary,
Department of Government Examination,
Chennai-600 006.
8. The Tamilnadu Public Service Commission (TNPSC)
Represented by its Secretary,
Chennai Service Commission Road, Chennai-600 003.

G.K.ILANTHIRAIYAN, J.

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