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W.P.No.4210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2024

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THE HONOURABLE **MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.No.4210 of 2024 &
W.M.P.No.4527 of 2024

C.Dinesh Kumar

...Petitioner

Vs.

Tamilnadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, Park Town,
Chennai 600 043

...Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for records of the respondent commission in Proceedings No.Nil, (combine mark list) published by the respondent Commission on 17.02.2024 in its website insofar it withheld the candidature of the petitioner running contrary to G.O.(Ms) No.82 (Human Resource Development (S) Department) dated 16.08.2021 and quash the same and consequently direct the respondent to permit him to attend the counselling for the Combined Civil Services Examination-II Interview Post to be held on 21.02.2024 and the non interview post to be held subsequently, based on the pre revised list published by the respondent commission in its website on 17.02.2024, wherein he has been described to have secured 191.00 marks under the



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PSTM category.

For Petitioner : Mr.R.Syed Mustafa

For Respondent : Mrs.G.Hema,
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the respondent dated 17.02.2024 thereby withheld the candidature of the petitioner for the Combined Civil Services Examination – Group-II (Interview Post).

2. The petitioner had applied for Group-II service post in the Government of Tamilnadu pursuant to the Advertisement No.605, Notification No.3/2022 dated 23.02.2022 on the file of the respondent. The petitioner was issued hall ticket for preliminary examination. He was shortlisted for main examination. The petitioner had studied upto 9th standard in a school in Tamil medium. However, he could not able to continue his study in the 10th standard in that school and as such, he had written 10th examination privately. Thereafter he had joined in a school and completed his +2 in Tamil medium. Thereafter, the petitioner studied his Bachelor Degree in Tamil medium through distance education. Therefore,



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he had applied for the above Group-II Post under BC-PSTM category (Persons studied in Tamil Medium). He had cleared main examination and he was asked to attend the interview held on 13.02.2024. He attended the interview and he was asked to file affidavit to the effect that he had studied classes 1 to 9 in regular in Tamil medium and he had done his 10th standard privately and had written examination in Tamil medium. After completion of 10th standard, he had joined in a regular school and completed Higher Secondary education in Tamil medium. As per the result published on 17.02.2024, he had scored 191 marks under PSTM category and he is the top most candidate under the said category. However, by the impugned proceedings, he was informed that his candidature was withheld subject to verification of eligibility under PSTM category. Therefore, he would not be in a position to attend the counselling to be held on 21.02.2024 for Group-II Interview Post.

3. The learned counsel for the petitioner would submit that as per the Government Order issued by the Tamilnadu Government in GO.Ms.No.82 Human Resource Development(S) Department dated 16.08.2021, which was issued in pursuant to the order passed by this Court, containing guidelines for treating PSTM candidates who have claimed



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preference in the public employment. It stipulates that persons applying under PSTM category should have done their basic education from I to IX and thereafter SSLC, HSC, Graduation and Post Graduation in Tamil medium. It also says that persons who have undergone their studies in different medium of instructions, but has written the exam in Tamil will not be allowed to claim the benefit of PSTM. Thus, it is clear that the persons who have not studied the basic education I to IX standard in a proper way and managed to clear the X standard through private mode directly alone will not be entitled to claim benefit under PSTM category, whereas in the case of the petitioner, admittedly he had studied classes 1 to 9 standard in a regular school in Tamil medium. He could not pursue his 10th standard in the same school and he had prepared study material in Tamil and he had written examination of 10th standard in Tamil medium. After clearing the 10th standard in Tamil medium, he had joined in a regular school to complete Higher Secondary Course in Tamil medium. Further, he was also issued certificate by the Directorate of Government Examinations stating that on verification of documents, the petitioner had written 10th standard examination in Tamil medium and passed.



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4. The learned Standing Counsel appearing for the respondent, on instructions, submitted that as per the notification, Persons Studied in Tamil Medium means a person who has studied through Tamil medium of instruction upto the educational qualification prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State. The petitioner admittedly did not pursue his 10th standard in Tamil medium of instruction and he had written 10th standard examination privately. Therefore, the respondent rightly withheld the candidature of the petitioner.

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

6. As stated supra, the petitioner had studied classes 1 to 9 in Tamil medium of instruction in a regular school. However, he could not able to complete his 10th standard in the same school. Therefore, he studied material in tamil and had written entire 10th standard examination in Tamil medium and passed out. That apart, a candidate cannot write examination in Tamil medium without studying material in Tamil. The petitioner was also certified that he had written examination in Tamil medium and passed out. Therefore, the petitioner can very well come under the PSTM category.



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7. In view of the above, the impugned proceedings published by the respondent dated 17.02.2024 in its website insofar as withholding the candidature of the petitioner alone is quashed and this writ petition is allowed. The respondent is directed to permit the petitioner to attend the counselling for the Combined Civil Services Examination – Group-II (Interview Post) to be held on 21.02.2024 and for the non-interview post to be held subsequently based on the pre-revised list published by the respondent dated 17.02.2024. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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To

Secretary,
Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
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G.K.ILANTHIRAIYAN, J.

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