



W.P.No.33686 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.33686 of 2012

and M.P.No.1 of 2012

M.Subramanian

Vs.

... Petitioner

1.The Government of Tamilnadu

represented by Secretary,

Higher Education,

Fort St.George,

Chennai – 600 009

2. Teachers Recruitment Board,

represented by the Chairman,

College Road,

Chennai – 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to select the petitioner for the post of Commerce - Post Graduate Assistant under preferential category in Tamil Medium SGTAM



W.P.No.33686 of 2012

after certificate verification for appointment in any Government Higher Secondary School in Tamil Nadu.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.T.M.Rajangam

Government Advocate for R1

Mr.C.Kathiravan

Standing Counsel for R2

ORDER

This writ petition is filed to direct the second respondent to select the petitioner for the post of Commerce - Post Graduate Assistant under preferential category in Tamil Medium SGTAM after certificate verification for appointment in any Government Higher Secondary School in Tamil Nadu.

2. The petitioner submits that he passed out 12th examination in the year 1989 in the Government Higher Secondary School, Lalgudi. He competed his Under Graduate degree in B.Com. in the year 1995 at St.Joseph College, Trichy and in the same college he passed out M.Com. in the year 1998. He did his Bachelor Degree in Education (B.Ed.) in the Institute of Education, Pothavur Village, completed in the year 2009.



W.P.No.33686 of 2012

WEB COPY

3. The petitioner further submits that he belongs to Schedule Caste and wrote the examination for Direct Recruitment of Post Graduate Assistant in the year 2011-2012. He secured an aggregate of 87% in the examination, but the persons who secured below 87% were called for certificate verification. Hence this writ petition.

4. From the perusal of the available records, it appears that the petitioner studied in Tamil Medium and completed his 10th standard, 12th standard, B.Com. and B.Ed. degree in Tamil Medium. All over Tamil Nadu, no college or university has Tamil Medium of instruction for Post Graduate degree in Commerce. Tamil is one of the medium of instruction in Distance Education Course for M.Com., but does not so in the case of regular stream.

5. Heard Mr.K.Chandrasekar, learned counsel for the petitioner and Mr.T.M.Rajangam, learned Government Advocate for the first respondent and Mr.C.Kathiravan, learned Standing Counsel (Teachers Recruitment Board) for the second respondent.



W.P.No.33686 of 2012

WEB COPY

6. Mr.C.Kathiravan, learned Standing Counsel (Teachers Recruitment Board) appearing for the second respondent would stoutly contend that as the petitioner completed his Post Graduate degree course (M.Com.) in English Medium, he was not considered under the Tamil Medium preferential quota. As per 2(b) of the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (*hereinafter referred as the Act*), if a candidate has studied in Tamil Medium till his college alone he is entitled to be considered under Tamil Medium preferential quota.

7. The petitioner now claims that he has applied under Tamil Medium preferential quota. As per the above said Section, when a person studied schooling & College, and acquired prescribed qualifications in Tamil Medium alone are entitled to be considered under the Tamil Medium preferential quota. The petitioner has though studied in Tamil Medium he has completed M.Com. degree in English Medium.

8. The Government of Tamil Nadu, in a bid to commemorate the classical status attained by Tamil language, convened the World



W.P.No.33686 of 2012

Classical Tamil Conference at Coimbatore from 23rd to 27th June, 2010.

WEB COPY

One of the resolution passed relates to providing preferential appointment to persons studied in Tamil Medium in the services under the State with the prime object of conducting the administration of the State with openness and transparency in the vocal language of the masses of the locale in accordance with the provisions of the Constitution of India and other laws of the land in force.

9. The other reason for enactment of the above said Act is that those who have studied Tamil Medium have a little chance of getting selected in the employment of other than State Governments and in private sectors. In order to give preference to the persons who have studied in Tamil Medium in the state services, this Act was passed in the year 2010. It was decided to set apart 20% of all vacancies in appointments in the services under the State which are to be filled through direct recruitment to persons studied in Tamil Medium.

10. For better understanding, Section 2(d) of the said Act is extracted hereunder:-

“2(d). “persons studied in Tamil Medium” means



WEB COPY



W.P.No.33686 of 2012

person who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil Medium of instruction;”

11. It is relevant to note that the Hon'ble Division Bench of this Court in W.A.No.276 of 2020 dated 02.06.2020.

“...In the case of appellant, the fact that the appellant has not completed his M.Sc. (Chemistry), M.Phil and Ph.D in Tamil Medium, rather has done it in English Medium, he cannot avail of the benefit of PSTM quota...”

12. If the petitioner is not considered under PSTM quota, he has the opportunity for being considered under the Schedule Caste quota. Accepting the case of the petitioner would frustrate the very object of this laudable Act.

13. In such a view of the matter, the petitioner fails to make out his case, and the writ petition stands dismissed. No costs. Connected miscellaneous petition stands closed.

24.06.2024



W.P.No.33686 of 2012

WEB COPY

mac

Index : Yes / No

Internet : Yes / No

Neutral Citation Case : Yes / No

Speaking Order / Non-Speaking Order

To

1.The Secretary,

Higher Secondary Education,

Fort St.George,

Chennai – 600 009

2. The Chairman,

Teachers Recruitment Board,

College Road,

Chennai – 600 006



WEB COPY



W.P.No.33686 of 2012

R.KALAIMATHI, J.,

mac

W.P.No.33686 of 2012

and M.P.No.1 of 2012



WEB COPY



W.P.No.33686 of 2012

24.06.2024