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W.P.No.34094 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.34094 of 2012

P.Amutha

... Petitioner

Vs.

Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Block No.81, Voc Nagar, Near Dental College,
Frazer Bridge Road,
Park Town,
Chennai – 600 003.

... Respondent

Writ Petition has been filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner against the quota meant for MBC Women Degree Tamil Medium by considering the cut of mark obtained by the petitioner by re-fixing the communal category rank and include the name of the petitioner in the select list.

For Petitioner : Mr.M.Gnanasekar

For Respondent : M/s.G.Hema,
Standing Counsel

ORDER

This writ petition has been filed by the petitioner to direct the



respondent to consider the petitioner against the quota meant for MBC Women Degree Tamil Medium by considering the cut of mark obtained by the petitioner by re-fixing the communal category rank and include the name of the petitioner in the select list.

2. Learned counsel for the petitioner submitted that the petitioner belongs to Most Backward Community and completed her under graduate course in B.Sc., Mathematics. She has applied for the posts included in CSSE-I, vide notification/Adver No.258, dated 30.12.2010, notified by the respondent and participated in the examination on 30.07.2012 under PSTM category. For Most Backward Class Women studied in Tamil Medium category, the respondent has fixed the cut of marks as 214.50 and the same has been secured by the petitioner. While applying, she has enclosed her community certificate, degree Tamil Medium Certificate and other relevant documents, however, she has not called for the counselling. Therefore, she has sent a representation dated 26.10.2012 to the respondent requesting for re- fixing the communal category rank and to include her name in the selected list. But, there was no reply. Aggrieved over the same, the



petitioner has come forward with the present writ petition.

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3. Learned standing counsel appearing for the respondents would submitted a written instruction dated 20.02.2024. For better appreciation, the relevant paragraphs are extracted hereunder:

“3. In this connection, it is submitted that in Para 3 (A) (ii), (iii) of the notification/Adv No.258 dated 30.12.2010 reads as follows; (ii) In G.O.Ms.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, the Government have issued orders to fill up 20% of all vacancies in direct recruitment on preferential basis to persons studied in Tamil Medium (PSTM) Clarification in the regard is awaited from the Government.

(iii) Candidates who claim reservation with reference to orders issued in the above G.O should enclose evidence in support of their claim. Application submitted without evidence will not be considered for the above said reservation.

5. In this connection, it is informed that the petitioner Tmt.Amutha.P was one among the candidates for the said rectt., and had claimed Educational Qualification as 10th (1989), 12th (1991), B.Sc., Mathematics (1994) in her application, dated 25.01.2011. Further, she has failed to produce the PSTM certificate for the prescribed qualification i.e., B.Sc., Degree (Mathematics) and instead produced Transfer Certificate of B.Ed., as evidence of her claim for PSTM, which could not be accepted as evidence for the claim. Hence, the application of the



candidte was not considered under PSTM, but considered under non-PSTM category as she had not produced the supporting documents of her claim. She did not reach the zone of selection for admission to Oral Test, based on the marks secured by her in the written examination as also as per the rule of reservation of appointments

6) Thereafter the petitioner Tmt.Amutha.P had given a representation on 26.10.2012 to reconsider her B.Sc., Tamil Medium Transfer Certificate, Mark Sheet and Community Certificate and submitted the evidence (T.C) for her PSTM claim after the selection process were completed. In this regard, as per commission's instructions para 5 (iii) "Any claim by a candidate that he belongs to SC/ST/MBC/BC that he has obtained a higher or additional qualification made after the submission of an application will not be entertained".

4. Heard the learned counsel on either side and perused the materials available on record.

5. The facts of the case is not in dispute. The petitioner has applied for the posts included in CSSE-I, vide notification/Adver. No.258, dated 30.12.2010, notified by the Tamil Nadu Public Service Commission under the Most Backward Class Women Studied in Tamil Medium category and secured a cut of mark of 214.50, which was fixed by the respondent for the



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said category. However, she was not selected for the counselling.

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6. Though, she has secured the eligible cut of mark of 214.50, which was fixed for Most Backward Class Women Studied in Tamil Medium category, she has not produced her PSTM certificate to substantiate her claim that she has studied B.Sc., Mathematics in Tamil Medium and coming under the PSTM category. Instead of producing the PSTM certificate, she has produced her Transfer Certificate, which could not be accepted as evidence for her claim. Hence, nothing survives in this writ petition for further adjudication.

7. Accordingly, this writ petition stands dismissed. No costs.

22.02.2024

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Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No

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To:

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The Secretary,
Tamil Nadu Public Service Commission,
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J.SATHYA NARAYANA PRASAD,J.

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