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W.A.No. 2164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 28.08.2024

DELIVERED ON: 29.10.2024

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.A.No. 2164 of 2024

and CMP. No. 15312 of 2024

Tamil Nadu Public Service Commission,
rep. By its Secretary,
TNPSC Road, Park Town,
Chennai-600003.

.. Appellant

Vs

C.Dineshkumar

..Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.02.2024 in W.P.No. 4210 of 2024.

For Appellant : Mr P.Wilson, Senior Counsel

For Mrs. G.Hema

For Respondent : Mr.R.Syed Mustafa



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W.A.No. 2164 of 2024

J U D G M E N T

(Order of the Court was made by Justice D.Krishnakumar)

Aggrieved by the order passed by the writ court in W.P.No. 4210 of 2024, dated 20.02.2024, the present writ appeal has been filed by the appellant.

2. Before advertng to the submissions made by learned counsel for the parties, a brief reference to the relevant facts is necessary;

The respondent herein had applied for a Group-II service post under the BC-PSTM category in the Tamil Nadu Government, following a notification in 2022. He completed his schooling primarily in Tamil medium but wrote his 10th standard exams privately. After clearing the main examination and attending the interview, he submitted a letter obtained from the Joint Director, Directorate of Government Examinations, Chennai confirming his Tamil-medium education in X standard. Despite being the top scorer in his category, his candidature was withheld pending verification of his eligibility under the PSTM category. Challenging the said order of



W.A.No. 2164 of 2024

the department, he filed a writ petition in W.P.No.4210 of 2024 and the same was allowed by this Court by order dated 20.02.2024. Aggreived by the said order of the writ Court, the present writ appeal has been filed.

3. The learned senior counsel appearing for the appellant-department has submitted that the respondent passed the 10th standard privately and produced a certificate mentioning only the successful completion of the written exam in Tamil, without specifying the medium of instruction as Tamil. The writ court, without considering paragraph 13(B) (iii), (v), and (vi) of Notification No. 03/2022, dated 23.02.2022, which clearly prescribes the eligibility criteria for candidates applying under the PSTM quota, has allowed the writ petition filed by the respondent.

4. The learned senior counsel appearing for the appellant-department has further submitted that since the respondent studied 10th standard through private study, which, as per the instructions in the notification, cannot be considered under the PSTM category, therefore, the respondent is not eligibile for consideration.



W.A.No. 2164 of 2024

5. The learned senior counsel appearing for the appellant-department, to support his contentions, has relied upon the decision of the Hon'ble Apex Court in ***Civil Appeal No. 6669 of 2019, dated 28.08.2019, in the case of State of Tamil Nadu & Others Vs. G. Hemalatha***, and the decision of this Court in ***Dr. M. Vennila Vs. Tamil Nadu Public Service Commission, Chennai (reported in 2006-3-CTC-449)***, and submitted that the respondent's application for the said post without the prescribed qualifications constitutes a violation, and the respondent's candidature is liable to be rejected. Therefore, the order of the appellant withholding the respondent's candidature is valid. The order of the writ court directing the appellant department to permit the respondent to participate in the selection process, without considering the above aspects, is liable to be set aside.

6. On the other hand, the learned counsel appearing for the respondent has submitted that the respondent has undergone I to IX standard in a regular school for which he has enclosed necessary certificates from the Head Masters of the Schools concerned. However, he has successfully completed his X standard privately in Tamil Medium.



W.A.No. 2164 of 2024

Thereafter he joined +1 and +2 in a regular school and cleared the same.

After completion of his school education, he has also completed his Under Graduation Bsc (Tamil) in Tamil Medium. Therefore, as per the notification, he is eligible for consideration under PSTM quota.

7. The learned counsel for the respondent has further submitted that the G.O.(Ms).No. 82, Human Resource Development (S) Department, dated 16.08.2021 is self explanatory and protects the genuine candidates applying under PSTM category. However, the appellant-Commission without following the instructions mentioned in the said G.O, has denied the respondent's candidature.

8. The learned counsel for the respondent has further submitted that the appellant-Commission cannot assume a clause which is not found in the said G.O. Such assumption of a new clause without any basis goes to the root of the case and affects genuine candidates like the petitioner on the ground that he has done his X standard privately.

9. The learned Single Judge rightly observed the fact that the



W.A.No. 2164 of 2024

respondent herein had studied classes 1 to 9 in Tamil medium in a regular school and thereafter he had written 10th standard examination by studying material in Tamil medium and passed out. That apart, the respondent was also certified by the authorities concerned that he had written examination in Tamil medium and passed out. Therefore, the respondent can very well come under the PSTM category. Accordingly, the proceedings dated 17.02.2024 issued by the appellant-Commission and directed the appellant-Commission to consider the candidature of the appellant. The impugned order of the writ Court is perfectly valid in law and does not require any interference by this Court.

10. Heard Mr. P.Wilson, learned Senior Counsel appearing for the appellant-department and Mr.R.Syed Mustafa, learned counsel appearing for the respondent and perused the materials available on record.

11. The primordial contention of the appellant revolves around the eligibility of the respondent under the PSTM (Persons Studied in Tamil Medium) category, as defined in Notification No. 03/2022, dated 23.02.2022. The appellant-department argues that since the respondent



W.A.No. 2164 of 2024

completed his 10th standard privately, he does not meet the criteria for the PSTM category. However, the materials show that the respondent completed his education from 1st to 9th standards in Tamil medium at a regular school, and while he studied privately for the 10th standard, he took the exam in Tamil medium. He subsequently completed his higher secondary education (11th and 12th standards) in Tamil medium at a regular school and also completed his undergraduate degree in Tamil medium. The overall circumstances of his education demonstrate consistent Tamil-medium instruction, which aligns with the intent of the PSTM quota. The writ court rightly recognized this broader interpretation of eligibility, focusing on the fact that the respondent wrote his 10th standard examination in Tamil medium.

12. The appellant department's action of withholding the respondent's candidature is based on the argument that private study for the 10th standard disqualifies him from the PSTM category. However, the Government Order G.O.(Ms) No. 82, dated 16.08.2021, protects candidates who have studied in Tamil medium, even if certain exams were completed



W.A.No. 2164 of 2024

privately, provided there is certification from the relevant authority confirming the use of Tamil medium. In this case, the respondent obtained a certificate from the Joint Director, Directorate of Government Examinations, Chennai, dated 09.03.2022, which confirmed that the respondent took his 10th standard exam in Tamil medium, fulfilling the essential requirement for consideration under the PSTM category. The certificate issued by a competent authority is valid and stands as adequate proof of the respondent's eligibility.

13. In the present case, the certificate issued by the Joint Director itself is explanatory which clearly proves that the respondent has passed the higher secondary examination through medium of instruction in tamil. The said certificate has not been disputed by the appellant herein and therefore, the contention of the appellant that the respondent studied in tamil medium privately is unsustainable on the simple ground that the educational authorities themselves issued the said certificate. Eventhough the appellant has strongly contended that the respondent has not studied his higher secondary examination in tamil medium, they have not produced any



W.A.No. 2164 of 2024

material to prove that the respondent has studied in medium of instruction other than tamil medium. The submissions made by the learned senior counsel for the appellant are unfounded and liable to be rejected, therefore, the writ court's decision to allow the writ petition is correct and requires no interference.

14. In view of the foregoing discussions, the writ appeal is dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

(D.K.K., J.,) (P.B.B.J.,)

29.10.2024

Internet: Yes

Index : Yes

Speaking Order/Non Speaking order

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W.A.No. 2164 of 2024

D.KRISHNAKUMAR, J.

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W.A.No. 2164 of 2024

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29.10.2024