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W.P.No.8987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM:

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

W.P.No.8987 of 2022

M.Sri Are Priyaa

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. By its Educational Secretary,
Education Department,
Fort St.George,
Chennai-600 006
- 2.The Principal Secretary / Chairman,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006
- 3.The Member Secretary,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006
- 4.The Member Secretary,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 3rd respondent passed in Na.Ka.No.1460/L1/2017 dated 03.02.2021 and quash the same and to direct the third respondent to implement the order of this Court passed in WP.No.6866 of 2017 dated 31.01.2020.

For Petitioners : Mrs.M.Prabhavathi
for Mr.M.Thamizhavel

For Respondents
For R2 & 3 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.C.Kathiravan

For R1 : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 03.02.2021 thereby rejected the request made by the petitioner to consider her under PSTM category.

2. The petitioner had studied M.Tech Computer Science and Engineering in Tamil medium at Bharathidasan University, Tiruchirapalli. While being so, the respondents called for applications for



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the post of Assistant Professor in Government Engineering Colleges. She had participated in the examination and published selection list. However, the petitioner's name was not found place in the provisional list. As per the prospectus, Tamil medium reservation of 20% has to be followed as per the Government orders. However, in the provisional list of candidates, there is no mentioning of selection of candidates under Tamil medium reservation. Therefore, the petitioner obtained information under Right to Information Act for the query whether the 20% of reservation of PSTM candidates followed or not in the provisional selection list. No proper reply was received by the petitioner. She had obtained 91 marks in the written examination. She belongs to Backward Community category. If the respondents followed 20% of reservation category for the persons studied in Tamil medium, she would have been selected for the post of Assistant Professor. Therefore, the petitioner submitted representation and the same was not considered. Therefore, she filed writ petition before this Court in WP.No.6866 of 2017 and this Court directed the third respondent to consider her representation. After filing contempt petition, the third respondent passed



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the impugned order dated 03.02.2021 thereby rejected the request made by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner had paid tuition fees for Tamil medium and she completed her PG Course in Tamil medium. Bharathidasan University also issued certificate to the effect that she completed PG degree in Tamil medium. She also produced tuition fees receipt and it revealed that she paid tuition fees for Tamil medium.

4. On perusal of counter filed by the second respondent, revealed that as per the notification in Adv.No.3 of 2014 dated 16.07.2014, the second respondent conducted written examination on 22.10.2016. The petitioner had appeared and she had scored 91 marks. The last candidate called for certificate verification for the Backward Class(Women) cut off mark is 117. Since the petitioner did not possess eligible cut off mark, she was not considered for selection. As per GO.Ms.No.145 (Personnel and Administrative Reforms) Department



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dated 30.09.2010 and subsequent amendments, any persons claiming under PSTM category must possess degree in Tamil medium for the post for which Master degree is prescribed as minimum qualification. On perusal of the certificate produced by the petitioner which was issued by the Registrar of Bharathidasan University dated 23.02.2017, revealed that the petitioner has successfully completed her M.Tech in Computer Science & Engineering (6 years integrated programme) degree course and placed in first class distinction with D Grade in the month of April 2016 and that the course was taught both in Tamil and English(parallel medium). Therefore, the certificate did not explicitly state that the petitioner has studied M.Tech, Computer Science and Engineering in Tamil medium. Further, there is absolutely no material produced by the petitioner to the effect that she had written examination in Tamil medium. Further, by letter dated 05.04.2017 issued by the Registrar of the Bharathidasan University revealed that for the integrated six-year course in the University 2008 rules have been published and admission for the first year has been made. Only the first year of this integrated course at the University was conducted in Tamil. For the remaining



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academic years 2 to 6 of the integrated course, the subjects were taught in both Tamil and English medium.

5. The learned Additional Advocate General relied upon the judgment of the Full Bench of this Court rendered in the case of ***R.Boominathan Vs. Government of Tamilnadu and Others*** reported in ***2019 SCC Online Mad 38960***, wherein it is held as follows:

28. For the purpose of recognising a candidate, within the realm of selection to employment in government services, under PSTM category, a candidate should have studied in Tamil as medium of instruction. Therefore, in order to avail the benefit of reservation earmarked under PSTM category, a candidate has to furnish a certificate to the effect that he or she studied in Tamil as medium of instruction. Such certificate will be issued by the Head of the Institution/Registrar or Principal of the College, as has been contemplated under G.O. (Ms) No.145, Personnel and Administrative Reforms Department dated 30.09.2010, in the prescribed format, certifying that he or she studied the course in Tamil by indicating the duration (academic year) during which the candidate pursued the course. It is this



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certificate which will form the basis for recognising a candidate for having studied in Tamil medium of instruction so as to enable him or her to get the benefit of reservation under PSTM category. It is needless to mention that merely because a candidate writes the academic examination or competitive examination in Tamil, it will not recognise such candidate to get the reservation under PSTM category. The requirement is that a Certificate issued by the Head of the Institution/Registrar or Principal of the college, in the prescribed format, certifying that he was imparted with the course in Tamil as medium of instruction, has to be furnished, so as to enable a person to get the benefits of reservation under PSTM category. In the absence of such a certificate, a candidate cannot be regarded or recognised as a preferential candidate, who can avail the benefit of reservation under PSTM category. In other words, if such a certificate is not produced, he or she cannot be recognised as a candidate, who can be extended the benefit of reservation under PSTM category. Therefore, we hold that compliance of the requirements contemplated under G.O. (Ms) No.145 dated 30.09.2010 to furnish a certificate issued by the Head of the institution/Principal or Registrar of the



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College, in the prescribed format, is a mandatory requirement to get the benefit of concession and/or reservation earmarked by the State under PSTM category. We therefore answer the reference made to us as follows:-

(i) A person who studied the Course in Tamil or had written the University or Competitive examination in Tamil will not ipso facto recognise or qualify him or her to claim reservation under Persons Studied in Tamil Medium (PSTM) category

(ii) Even though a person opted for Tamil as Medium of Instructions in the Colleges or studied the Courses in Tamil or written examinations in Tamil, in the absence of a certificate issued by the Registrar/Principal or Head of the Institution in the prescribed format stating that he or she pursued the education in Tamil as Medium of Instruction throughout, he or she cannot be placed on par with PSTM Candidates for the purpose of claiming reservation under the preference quota

(iii) Tamil, as Medium of Instruction, is not in vogue in certain colleges, or rather to say, Law Degrees are not imparted in Tamil as a Medium of Instructions.



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6. Thus it is clear that the requirement is that a Certificate issued by the Head of the Institution/Registrar or Principal of the college, in the prescribed format, certifying that he was imparted with the course in Tamil as medium of instruction, has to be furnished, so as to enable a person to get the benefits of reservation under PSTM category. In the absence of such a certificate, a candidate cannot be regarded or recognised as a preferential candidate, who can avail the benefit of reservation under PSTM category. In the notification, a form has been annexed as Annexure-II. It revealed that persons studied in tamil medium have to produce evidence such as transfer certificate, provisional certificate / degree certificate, marksheet received from the University or from the institution referring that he / she studied prescribed educational qualification in tamil medium. If no such evidence is found in the above certificate, certificate of the direct head of the institution must be furnished. The certificate should also reveal that the candidate has studied particular course during the years in tamil medium. Admittedly, the petitioner failed to submit Annexure-II as required as per notification. Therefore, the request made by the petitioner was rightly rejected and



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this Court finds no infirmity or illegality in the order passed by the third respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

7. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

10.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.Educational Secretary,
The Government of Tamilnadu,
Education Department,
Fort St.George,
Chennai-600 006
- 2.The Principal Secretary / Chairman,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006
- 3.The Member Secretary,
Teacher's Recruitment Board,
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