



W.P.No.9654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9654 of 2024

and

WMP.No.10684 of 2024

- 1.P.Ilayaraja
- 2.N.Rajeevganthi
- 3.Mohamed Shathif
- 4.P.Sathish
- 5.N.Dharmalingam

.. Petitioners

Vs.

1. The Secretary to Government Health
& Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Director Directorate of Medical
Education Poonamallee High Road,
Chennai 600 010.
3. The Director of Public Health and
Preventive Medicines DMS Campus,
Teynampet, Chennai-600 006.



W.P.No.9654 of 2024

WEB COPY

4. The Director of Medical & Rural Health
Services DMS Campus, Teynampet,
Chennai-600 006.

5. The Chairman Medical Services
Recruitment Board (MRB) 7th Floor,
DMS Buildings No.358,
Anna Salai Teynampet,
Chennai 600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents/authorities to consider the representations of the Petitioners dated 13.03.2024 and pass orders for grant of 20 percentage of reservation under Section 3 (1) of Tamil Nadu Appointment on Preferential Basis in the Services under the state of Persons studied in Tamil Medium (PSTM) Act 40 of 2010 to the petitioners who have completed their entire schooling in Tamil medium (1st to 12th standard) in the recruitment process for filling 986 vacancies of pharmacist post in the departments of respondents 1 to 4 as notified in the Notification No.10/MRB/2022 dated 10.08.2022 Corrigendum dated 17.04.2023.



W.P.No.9654 of 2024

For the Petitioners : Mr.T.Tamizhvalavan

For Respondents : Mr.M.Bindhran, AGP for RR1
to 4
: Mr.L.Murugavelu for R5

ORDER

This Writ Petition is filed for a Mandamus to direct the respondents/authorities to consider the representations of the petitioners dated 13.03.2024 and pass orders for the grant of 20 percent of reservation under Section 3 (1) of Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium (PSTM) Act 40 of 2010 to the petitioners who have completed their entire schooling in Tamil medium (1st to 12th standard) in the recruitment process for filling 986 vacancies of pharmacist posts in the departments of respondents 1 to 4 as notified in the Notification No.10/MRB/2022 dated 10.08.2022 Corrigendum dated 17.04.2023.



W.P.No.9654 of 2024

WEB COPY

2. The case of the petitioners is that, by notification dated 10.08.2022, applications were called for, for the post of pharmacist. The petitioners also applied for the said post.

3. As a matter of fact, under the notification, vacancies were also reserved for persons studied in Tamil medium. The petitioners claimed the benefit under the said Act. Since the petitioners studied their entire school education only with Tamil as the medium of instruction, as far as the essential qualification of a diploma in pharmacy is concerned, in all the educational institutions throughout the country, there is no institution which requires the said course with Tamil as the medium of instruction. It is available in English as the only medium of instruction. In that view of the matter, considering the peculiar facts and circumstances in respect of the essential qualification, the respondents ought to have considered the petitioners as the persons studied in Tamil medium, since except for the diploma throughout their schooling, they are studying in Tamil medium.



W.P.No.9654 of 2024

WEB COPY

4. The learned counsel appearing on behalf of the petitioner would also rely upon an earlier order of this court in W.P.No.22030/2023, dated 27.07.2023 wherein, under similar circumstances, in respect of the post of Assistant Sargent / Medical Officer, the MBBS Decree is also not being imparted in Tamil, and this Court was directed to consider their representations.

5. I have considered the said submissions made on behalf of the petitioners and also the submissions made by the learned Additional Government Pleader appearing on behalf of the respondents.

6. The purpose of providing reservations under the PSTM Act is to encourage persons who have undergone their entire medium of education to only use Tamil as the medium of instruction. The Act clearly defines the persons who are studied in Tamil medium in Section 2(d), which is extracted hereunder:

" 2.....



W.P.No.9654 of 2024

WEB COPY

(d) "persons studied in Tamil medium" means persons 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;"

7. Therefore, a diploma in pharmacy is an essential qualification for the post of pharmacist; unless the candidates undergo the said diploma, as Tamil is the medium of instruction, the preferential appointment which is provided under Section 3 of the Act cannot be claimed. If no institution is imparting a diploma in pharmacy with Tamil as the medium of instruction, in that case, it would only be a situation where the preferential appointment as negotiated under the Act cannot be granted. That would not entitle the petitioners, who have only partial qualifications, to request consideration under the PSTM quota. That would be rendering violence to the very purpose of the Act and the purpose of providing the reservation.

8. In view of the matter, I am unable to accept the arguments of the



W.P.No.9654 of 2024

learned counsel for the petitioners and find no merit in the Writ Petition.

Accordingly, this Writ Petition stands dismissed. No costs. Considering the situation of the petitioners, who are only applicants, WMP No. 10684 of 2024, 2B, is ordered on payment of a single Court Fee.

05.06.2024

Index : Yes
Neutral Citation : Yes
Speaking order : Yes

jrs



W.P.No.9654 of 2024

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WEB COPY



W.P.No.9654 of 2024



WEB COPY



W.P.No.9654 of 2024

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W.P.No.9654 of 2024
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