



W.P.No.15506 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15506 of 2024
and
WMP.No.16858 of 2024

D.Saravana Sundar

.. Petitioner

Vs.

The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Fraser Bridge Road,
VOC Nagar, Park Town,
Chennai 600 003.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a WRIT OF CERTIORARI to call for the records of the respondent relating to the impugned Memorandum No.812/APD-B1/2018 dated 29.04.2024 and quash the same in so far as it requires the resubmission of the PSTM certificates in the revised format.



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For the Petitioner : Mr.R.Saravanan

For Respondent : Mrs.P.Wilso, senior counsel
assisted by Ms.Hema for
TNPSC

ORDER

The Writ Petition is challenging the impugned Memorandum dated 29.04.2024 in and by which the petitioner was directed to upload the PSTM certificate from I standard up to Diploma, i.e. up to the prescribed education qualifications, in the prescribed format.

2. The case of the writ petitioner is that the petitioner applied for selection to the post of Motor Vehicle Inspector advertised by notification dated 14.02.2018. Thereafter, the petitioner participated in the written examination. However, since the petitioner did not produce the certificate for undergoing the diploma with Tamil as the medium of instruction in the prescribed format, and even though the petitioner came within the zone of consideration, he was not selected. The selection for the said post of Motor



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Vehicle Inspector came to be challenged by a both of Writ Petitions by W.P.Nos. 12776/2022 etc. All the Writ Petitions were taken up together for disposal, and in a common judgment dated 10.02.2023 the learned single Judge allowed the Writ Petitions on various grounds.

2.1. As far as the issue relevant to the case on hand is concerned, the learned single Judge found that when the concerned heads of departments have issued certificates that the Diploma is being taught in Tamil as the medium of instruction, the procedure adopted by the respondents to obtain clarification from the director and to disentitle all the PSTM candidates on the ground that they did not undergo the Diploma with Tamil as the medium of instruction is incorrect. As against the said findings and also regarding various other findings, appeals were preferred by the unsuccessful candidates or petitioners as well as the official respondents. All the said Writ Appeals in W.A.No.590/2023 etc., were taken up for consideration and were disposed of by a common judgment dated 22.12.2023. As far as the PSTM issue is concerned, the Division Bench confirmed the view taken by the



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learned Single Judge. Apart from the same, various other directions were issued by the Division Bench in paragraph No.88 of the said judgment. Even thereafter, when the case has been reconsidered, the petitioner is not being considered.

2.2. The case of the petitioner is that even though the petitioner has uploaded the certificate for undergoing his education in Tamil Medium, though the certificates are accepted in respect of standards I to XII, as far as the Diploma is concerned, the respondents are not considering the same on the ground that the same is not in the prescribed format. The petitioner gave an undertaking that he would produce the certificate in the prescribed format as well. But however, when the petitioner subsequently approached the concerned authority, the authority did not issue a fresh certificate in view of the litigations. Therefore, he is before this Court.

3. When the matter came up for arguments today, Mr. P.Wilson, the learned senior counsel appearing on behalf of the respondent commission,



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would submit that, firstly, as far as the selection is concerned, the directions were ultimately issued by the Division Bench in its judgment dated 22.12.2023. However, appeal is preferred to the file of the Hon'ble Supreme Court of India, in SLP.No.7906/2024 and the same is entertained. Pending the SLP, paragraph No.88(a) is also stayed. Therefore, in view of the same, unless the candidate's qualifications with reference to placements in workshops are decided, nothing can be proceeded further. Therefore, the selection is at the same stage. Even with reference to the finding of the Division Bench regarding the PSTM candidates, a review has already been filed and the same is pending before the Division Bench. If the Division Bench holds that the entire Diploma education is not undertaken in Tamil at all, then all the candidates, including the petitioner, will not be considered.

4. I have considered the rival submissions made on either side and perused the material record of this case.

5. Firstly, when the matter is pending before the Hon'ble Supreme



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Court, this Court is not inclined to direct the respondents to proceed ahead with the selection, nor can a direction be given to forthwith select the petitioner and issue an appointment order. Secondly, if, in respect of the diploma, a decision is taken in respect of all the PSTM candidates, then it will be apply for the petitioner as well. However, the only grievance expressed by the petitioner is that, though he has undergone his entire education, including the diploma in Tamil, the authority issuing the certificate had not issued in the prescribed format. After the undertaking was given by the petitioner, when he re-approached the authority, the authority was not considering the same in view of the litigations that are pending.

6. Therefore, in that limited view of the matter, when the petitioner has undergone all his school education in Tamil and it is also his contention that even in the diploma his medium of instruction was in Tamil, if the other candidates in respect of the same diploma are being considered as PSTM candidates, the petitioner alone cannot be left out for want of the certificate in the prescribed format. Therefore, the position as now declared by the



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Division Bench of this Court, is that the Head of the Department will be at liberty to give the certificate as Tamil is the medium of instruction. There is no impediment for the concerned authority, namely the Principal, Kavery Polytechnic College, M.Kalipatti (Po) Mecheri, to issue the certificate in the prescribed format.

7. Therefore, this Writ Petition is allowed on the following terms:

- (i) The Principal, Kavery Polytechnic College, M.Kalipatti(Po) Mecheri is directed to issue the same certificate dated 22.04.2013 in the correct format within a period of two weeks from the date of receipt of a copy of this order. Upon being issued, the petitioner shall produce the same before the respondent commission;
- (ii) Upon production of the same, the respondent commission shall treat the petitioner as PSTM candidate;
- (iii) The above declaration of the petitioner as PSTM candidate will be subject to the outcome of the judgment of



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the Hon'ble Supreme Court as well as the outcome of the review which is filed in the Division bench and if a decision is arrived at that the Diploma itself not taught in Tamil, the same would be applicable in the case of the petitioner as well;

(iii) As and when the respondent proceed to finalize the selection, the petitioner's case will be accordingly considered;

(iv) No costs. Consequently, the connected miscellaneous petitioner is also closed.

19.06.2024

Neutral Citation :Yes/ No

jrs

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