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W.P.No.18119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM:

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

W.P.No.18119 of 2022 and
WMP.Nos.17462, 17463 & 22382 of 2022

R.Anuradha

... Petitioner

Vs.

1.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai 600 006

2.K.Manivannan

(second respondent impleaded as per order
dated 11.01.2024 made in WMP.No.23400 of 2023
in WP.No.18119 of 2022)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of shortlisting the candidates for certificate verification for post of Lecturer in Chemistry (BC-female – PSTM category) under the Director Recruitment of Lecturers (Engineering/ Non-Engineering) in Government Polytechnic Colleges for the year 2017-2018 issued by the respondent on 02.07.2022 and to quash the same and consequently direct the respondent to permit the petitioner to



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participate in certificate verification for the post of Chemistry (Female-BC-PSTM category) under the direct recruitment for the post of Lecturers in Government Polytechnic Colleges (Engineering / Non-Engineering) for the year 2017-2018.

For Petitioner : Mr.C.Prabakaran

For Respondents

For R1 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.C.Kathiravan

For R2 : Mr.S.Udhaya Kumar

ORDER

This writ petition has been filed challenging the order of shortlisting candidates for certificate verification for the post of Lecturer in Chemistry dated 02.07.2022.

2. The petitioner had studied Bio-Bachelor of Chemistry in Tamil medium. Subsequently, she had undergone her Master of Science - Chemistry in English medium. She had also completed Master of Philosophy during the year 2007. She is also now working in a private



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college as Lecturer. While being so, the first respondent issued notification No.4 of 2017 dated 16.06.2017 for the direct recruitment of Lecturers in Government Polytechnic Colleges for the year 2017-2018. She applied for and obtained 73 marks in the written examination. When the petitioner was awaiting call letter for certificate verification, the first respondent published the shortlisted candidates and the petitioner's name was not found place. Therefore, the petitioner filed writ petition before this Court in WP.No.30231 of 2017. While pending the writ petition, the entire selection process was cancelled and fresh notification No.14/19 dated 27.11.2019 for the post of Lecturers in Government Polytechnic College for the year 2017-2018 was issued. Once again the petitioner made application and appeared for examination. She scored 109 marks in Bio-Chemistry Female BC candidate. However, once again her name was not found place in the shortlisted candidates for certificate verification. She made application under the Right to Information Act and came to know that M.Sc.Chemistry in Tamil is not available.

3. However on perusal of the counter filed by the first



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respondent revealed that admittedly the petitioner did not study her post graduation in tamil medium and as such, she had knowledge about her ineligibility to apply under Persons Studied in Tamil Medium category.

As per the notification, paragraph 5 clause b states as follows:

Reservation for Persons Studied in Tamil Medium (PSTM): 20% horizontal reservation on preferential basis for Persons Studied in Tamil Medium will be followed as per existing G.O. Ms. No.145 Personnel and Administrative Reforms (S) 30.09.2010. This reservation Department dated: is subject to the availability of suitable eligible candidates. In the event of non-availability of such candidates the posts reserved for PSTM candidates will be filled by non-tamil medium candidates belonging to those respective communal categories.

4. The relevant portion of G.O (Ms) No.145 P&AR (S)Dept.

Dated 30.09.2010 is extracted hereunder:

"(b)"persons studied in "Tamil medium" means persons who have obtained the educational qualification or qualifications prescribed for direct



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recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil medium of instruction;"

5. Accordingly, it is clarified that the persons studied in Tamil medium implies that acquiring qualification prescribed for the posts in Public appointment Direct Recruitment through tamil medium. Accordingly, for the post graduate, preference shall be given to those persons who studied post graduate degree in tamil medium for those post graduate is prescribed as minimum qualification. That apart, the candidates who claim reservation under PSTM category has to produce Tamil medium study certificate in the prescribed format as annexed in the annexure-II for the prescribed qualifications. That apart, the second respondent filed implead petition and stated that he is qualified with post graduation in Tamil medium i.e. M.Sc. Chemistry from Periyar University, Salem. The University also issued PSTM certificate stating that the second respondent had studied post graduation in tamil medium. Therefore, merely because basic programme for not being offered in tamil in the particular subject cannot be a ground to seek any further



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

6. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

11.01.2024
(2/2)

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

The Chairman,
Teachers Recruitment Board,
College Road,
Chennai 600 006



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G.K.ILANTHIRAIYAN, J.

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