



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24886 of 2024
and W.M.P.Nos.27233 & 27235 of 2024

S.Poongodi

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary to Government,
Human Resources Development Department,
Fort St. George,
Chennai – 600 009.

2.The Tamil Nadu Public Service Commission (TNPSC),

Rep. by its Secretary,
Chennai Service Commission Road,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the Secretary to Government, Human Resources Development Department, Fort St. George, Chennai-09, 1st respondent vide his proceedings in Letter No.7297017/S2/2024-1 dated 27.05.2024 and the impugned Notification/Advertisement issued by the 2nd respondent in advertisement No.687, Notification No.8/2024 dated 20.06.2024 in so far as 4.1.1



in clause 4.1 and 4.2.2 and 4.2.5 in clause 4.2 of the Annexure II of the Notification and quash the same and thereby direct the respondents herein to treat the petitioner as eligible for availing the benefit of 20% Reservation/Preference provided for the persons studied in Tamil Medium for direct recruitment to the vacancies in the posts included in Combined Civil Services examination-II (Group-II and II A Services).

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.K.Tamilvendan
Government Advocate for R1

Mr.R.Bharanidharan
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 27.05.2024 and also Clause 4.1.1 in Clause 4.1 and 4.2.2 and 4.2.5 in Clause 4.2 of Annexure-II in notification issued by the 2nd respondent dated 20.06.2024 and for a consequential direction to the respondents to consider the candidature of the petitioner under 20% reservation for Persons Studied in Tamil Medium (PSTM) for direct recruitment to the vacancies in the posts included in Combined Civil Services Examination-II (Group-II and IIA Services).



2.Heard Mr.A.R.Suresh, learned counsel appearing on behalf of the petitioner, Mr.K.Tamilvendan, learned Government Advocate appearing on behalf of the 1st respondent and Mr.R.Bharanidharan, learned Standing Counsel appearing on behalf of the 2nd respondent.

3.The main grievance that was expressed by the learned counsel for the petitioner is that petitioner is entitled to be considered under the 20% reservation for PSTM category in light of the order passed in W.P.Nos.4129 and 22818 of 2022, dated 11.03.2024, which order modified the requirements in G.O.Ms.No.82, dated 16.08.2021. Whereas, when the notification was issued by the 2nd respondent, the pre-modified Government Order in G.O.Ms.No.82, dated 16.08.2021 was insisted upon and aggrieved by the same, the relevant Clauses have been put to challenge in this writ petition. The petitioner also made a representation to the 1st respondent in this regard and the 1st respondent rejected the representation through impugned letter dated 27.05.2024. Therefore, the said letter has also been put to challenge in the writ petition.

4.The writ petitions were filed in W.P.Nos.4129 and 22818 of 2022,



challenging the G.O.Ms.No.82, dated 16.08.2021. This Court had taken into account some of the categories of persons who had undergone night school (Nila Oli Palli) and had completed SSLC and higher secondary in Tamil medium. This Court apart from the above category, also considered those persons who had completed various levels of education through distance education. On considering the rival claims, the following order was passed on 11.03.2024:

13. In view of the above, the Government Order in G.O.Ms.No.82, Human Resources Management (s) Department dated 16.08.2021 on the file of the 1st respondent insofar as clause 4(iii) "only those who studied their entire education through out in Tamil medium viz., right from 1st standard upto prescribe qualification." is modified as "only those persons who have completed their entire education right from their schooling up to the qualification prescribed in the relevant service rules".

14. Insofar as W.P.No.4129 of 2022 is concerned, the revised list of candidates provisionally admitted in the written examination for the direct recruitment of Combined Civil Service Examinations (Group-I Service) dated 14.12.2021 on the file of the 3rd respondent is quashed insofar as the petitioner is concerned. The 3rd respondent is directed to include the name of the petitioner and permit him to write main examination for the appointment to the



direct recruitment of Combined Civil Service Examinations (Group I Service) and for further selection process.

15. Insofar as the petitioner in W.P.No.22812 of 2022 is concerned, the petitioner had completed his basic schooling up to 8th standard in the Panchayat Union Middle School, Melacheri Village & Post, Gingee Taluk. Thereafter, he could not be able to pursue his studies in the school due to his family situation and he was constrained to go for employment in order to support his family. Therefore, the District Collector, Kancheepuram District had started night school namely "Nila Olli Palli" (Moon Light Schools) successfully for benefit and welfare of child labourers who were dragged to employment at their early age during the day time. The petitioner was admitted in the said night school i.e., "Nila Olli Palli" and he had completed his SSLC and HSC in Tamil as medium of instruction. Therefore, it cannot be construed that the petitioner did not study his 9th standard to +2 in Tamil Medium. The object and reasons of the Act states that in order to facilitate the adhesive enforcement for their pupils to prefer Tamil till various levels of education and also over come the disability created due to studying in Tamil medium. Therefore, the respondents are directed to treat the petitioner as eligible candidate availing 20% of preference provided under PSTM quota in the direct recruitment of Combined Civil Service Examinations (Group I Service) and permit the petitioner to write main examination in the Combined Civil Service



Examinations (Group I Service) and allow his candidature for selection process of Combined Civil Service Examinations (Group I Service). It is also made clear that this case shall be considered as special case and permit the petitioner to participate in the selection process under PSTM Act.

5.It is brought to the notice of this Court that the above order passed has become final and no appeal was filed against the said order. In view of the same, the requirements in G.O.Ms.No.82, dated 16.08.2021, insisting for studying from 1st standard to Post Graduate degree through Tamil Medium of instructions stood modified.

6.The specific case of the petitioner is that the petitioner falls within the category of persons for whom the modification was made in the above order. However, since the notification issued by the 2nd respondent is insisting for the pre-modified requirements under G.O.Ms.No.82, dated 16.08.2021, the petitioner has approached this Court.

7.The learned Standing Counsel appearing on behalf of the 2nd respondent submitted that the notification cannot carry the entire modification that was made



by this Court. Therefore, wherever there is a reference to G.O.Ms.No.82, dated 16.08.2021, the same has to be read along with the modification made by this Court in W.P.Nos.4129 and 22818 of 2022, dated 11.03.2024.

8.The apprehension of the petitioner is that after participating in the selection, her candidature should not be rejected under the PSTM category on the ground that she did not fulfil the requirements under the notification. This apprehension raised by the petitioner is sufficiently answered by the learned Standing Counsel for the 2nd respondent.

9.In the light of the above discussion, it is made clear that wherever there is a reference to G.O.Ms.No.82, dated 16.08.2021, it shall be read along with the modification made by this Court in W.P.Nos.4129 and 22818 of 2022, dated 11.03.2024. Therefore, whoever is seeking for reservation under PSTM and if such claim falls within the clarification issued by way of modification by virtue of the orders passed by this Court, the same has to be taken into consideration by the respondents. This clarification will sufficiently take care of the interest of the petitioner.



10. This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

28.08.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
ssr

(1/3)



To

WEB COPY

1. The Secretary to Government,
State of Tamil Nadu
Human Resources Development Department,
Fort St. George,
Chennai – 600 009.

2. The Secretary,
Tamil Nadu Public Service Commission (TNPSC),
Chennai Service Commission Road,
Chennai – 600 003.



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N. ANAND VENKATESH, J.

SSR

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