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W.P.No.26157 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26157 of 2024
and W.M.P.No.28580 of 2024

1.C.Deepa

2.K.Sakthivel

3.M.Bharathi

.. Petitioners

Vs.

1.The State of Tamilnadu,
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town,
Chennai – 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to permit the petitioners to upload the PSTM certificates for having studied from I standard to ITI in Tamil medium and to consider the petitioners for appointment to the post of Road Inspector in Rural Development and Panchayat Raj Department as PSTM candidates under the respective category on merit and to allow them to participate in the further process within the period that may be stipulated by this Court.



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For petitioners : Mr.V.S.Jagadeesan
For R1 : Mr.M.Bindran
Additional Government Pleader
For R2 : Mrs.G.Hema
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to permit the petitioners to upload the PSTM certificates for having studied from I standard to ITI in Tamil medium and consequently to consider the appointment of the petitioners to the post of Road Inspector in Rural Development and Panchayat Raj Department.

2.Heard the learned counsel for the petitioners, learned Additional Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent.

3.The case of the petitioners is that they had studied in Tamil medium from I standard to ITI. The 2nd respondent issued a notification dated 13.01.2023 calling for applications for appointment to the post of Road Inspector in Rural Development and Panchayat Raj Department.



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The petitioners submitted their applications. Since they did not possess the PSTM certificates during the relevant point of time, they were not able to upload the same along with their applications. That apart, in so far as the PSTM certificates for the ITI course is concerned, the same was issued only subsequently pursuant to the orders passed by the Government. The petitioners are in possession of the certificates as on today for having undergone studies from I standard to ITI in Tamil medium. Therefore, the petitioners have approached this Court for a direction to the 2nd respondent to permit the petitioners to upload the PSTM certificates and to consider the candidature of the petitioners for appointment to the post of Road Inspector.

4.The learned Standing Counsel appearing on behalf of the 2nd respondent has submitted the position note today. The 2nd respondent has taken a stand that the petitioners did not claim any reservation under the PSTM category when they submitted their applications. Therefore, the candidature of the petitioners can only be considered under the general category and not under the PSTM reservation category. In view of the same, the subsequent claim that is made by the petitioners to consider them under PSTM category is unsustainable and hence, no useful purpose will be served in permitting the petitioners to upload the PSTM



certificate at this length of time.

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5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.The notification issued by the 2nd respondent dated 13.01.2023 has specifically dealt with the reservation of appointments under PSTM. It has been stated that the candidates claiming under the category of PSTM must upload the relevant certificates along with the applications. It has also been made clear in clause 13(v) that failure to upload said documents at the time of submission of the online application shall result in the rejection of the candidature.

7.In the instant case, the applications that were submitted by each of the petitioners was placed before this Court. The petitioners have clearly mentioned in their applications that they are not claiming reservation under the category of PSTM. It is quite surprising that the petitioners after having undergone the studies in Tamil medium right through, have mentioned in their applications that they have not studied in Tamil medium and are not claiming the reservation under PSTM.



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8.The learned counsel for the petitioners submitted that the petitioners are coming from village and they are completely ignorant of applying for the post through online mode. Therefore, they were helped by some agencies and the petitioners were not even aware of the fact that they have opted for “NO” under the PSTM category. The learned counsel further submitted that the petitioners were having the PSTM certificates from Ist standard to XII standard. However, they did not have the PSTM certificate for ITI. It is only after the intervention of the Government by issuing the circular dated 06.02.2024 and 28.05.2024, PSTM certificates were issued to the ITI students, who had undergone the course in the Government Institutions and in the Private Institutions. Accordingly, one Sakthivel had obtained the PSTM certificate for ITI on 13.02.2024 and the other two petitioners had obtained the PSTM certificate for ITI on 27.06.2024 and 29.07.2024 respectively. The learned counsel submitted that the fact remains that the petitioners had undergone the course from Ist standard to ITI only in Tamil medium and therefore, they should not be deprived of claiming the reservation under the PSTM category.

9.In the considered view of this Court, the candidates are bound by the terms and conditions in the notification issued by the 2nd respondent.

The notification clearly states that the candidate is expected to specifically



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apply under the PSTM category if they are claiming for reservation under that category. The petitioners, for reasons best known to them, have mentioned in the applications that they are not claiming for reservation under PSTM category. In the light of this stand take by the petitioners in the application, the same cannot be subsequently modified and the petitioners cannot be allowed to seek for reservation under PSTM category based on the fact that the petitioners are in possession of the PSTM certificates from Ist standard till the ITI. The petitioners after having stated in the application that they are not seeking for reservation under PSTM, also did not upload the PSTM certificates from Ist standard to X standard at the time of uploading the application. Therefore, it only goes to show that the petitioners initially did not intend to apply under the PSTM category. If hypothetically the petitioners had applied under the PSTM category and they had uploaded the PSTM certificates from Ist standard to X standard, this Court would have come to the rescue the petitioners by considering the fact that the PSTM certificate for ITI was only issued subsequently pursuant to the circular issued by the Government. However, since the petitioners did not submit the application claiming reservation under PSTM category, this Court cannot permit the petitioners to turn around and seek for reservation under this category at this length of time. If the petitioners are permitted, it will only



open flood gates and everyone will start claiming for such a right.

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10. We are living in an era where every application is submitted through online mode. Therefore, no useful purpose will be served by raising a sympathy factor on the ground that the candidates belong to some village. Wherever the candidates come from, they are supposed to be more careful while submitting the application in the online mode.

11. In the result, the relief as sought for by the petitioners cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions is closed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

N.ANAND VENKATESH, J.

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To
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