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W.P.No.27617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.27617 of 2024

M.Ranganathan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Chief Secretary,
Fort St. George,
Chennai – 600 009.

2.The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Park Town, VOC Nagar,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the applications submitted by the petitioner for Group-I exam on 28.3.2024, Group-II exam on 3.7.2024 and also for combined Technical Services Examination (Technical post) on 29.5.2024 as the PSTM category application and also direct the 1st respondent to accommodate the petitioner herein within the purview of 20 percentage reservation



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earmarked for the PSTM students as envisaged by the Tamil Nadu Appointment on preferential basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (in short PSTM Act).

For Petitioner : Mr.M.Mahamani

For Respondents : Mr.P.Balathandayutham
Special Government Pleader for R1

Mrs.G.Hema
Standing Counsel for R2

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to consider the petitioner under the PSTM category in the Group-I, Group-II and Combined Technical Services examination conducted by TNPSC.

2.The case of the petitioner is that he completed his SSLC & HSC in Tamil Medium. Thereafter, he enrolled himself in B.Sc., Computer Science in English medium. Subsequently, he underwent Under Graduate course in LL.B., in the year 2019 in Tamil Medium and completed the course in the year 2022 at Government Law College, Coimbatore.

3.The petitioner applied for Group I on 28.03.2024, Group II on 03.07.2024



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and for Combined Technical Services examination on 29.05.2024 based on the notification issued by TNPSC in the year 2024. The petitioner while submitting the application uploaded the supporting documents and the petitioner wanted to avail of the reservation under the PSTM category. When he uploaded the documents in the website, it showed error on the ground that the petitioner has not completed all the qualifications up to the prescribed educational qualification, in Tamil medium. This is in view of the fact that the petitioner had studied Tamil medium in SSLC, HSC and LL.B., and whereas, the petitioner had done B.Sc., Computer Science in English medium. In view of the same, the petitioner was not able to submit his application under the PSTM category. It is under these circumstances, the present writ petition came to be filed before this Court.

4. When the matter came up for hearing on 23.09.2024, this Court directed the learned Standing Counsel appearing on behalf of TNPSC to take instructions and accordingly, the matter was listed for hearing today.

5. When the case was taken up for hearing today, the learned Special Government Pleader appearing for the 1st respondent and the learned Standing Counsel appearing on behalf of TNPSC submitted that the petitioner will not be



entitled to be considered under the PSTM category, since the petitioner has not undergone studies throughout in Tamil medium. The petitioner had in fact undergone B.Sc., Computer Science course in English medium and the petitioner thereafter had undergone LL.B., for three years. Therefore, the petitioner in order to undergo LL.B., for three years ought to have completed an under graduation and that under graduation must also be undergone in Tamil medium. If the same has been undergone in English medium, the petitioner is not entitled to be considered under the PSTM category. The learned counsel therefore submitted that the petitioner will not be eligible to be considered under the PSTM category and if he has already written examination, he will be considered only as a regular candidate.

6.The learned counsel for the petitioner submitted that the qualification that has been prescribed in this case is that the candidate should have studied in Tamil medium in SSLC, HSC and in the Under Graduation degree prescribed as the educational qualification for being considered for appointment. The petitioner has undergone all the three educational qualification in Tamil medium and the petitioner is also having the PSTM Certificates issued in this regard. Since the petitioner during the interregnum had studied B.Sc., Computer Science in English medium, the petitioner was not able to upload the certificates and therefore, the petitioner was



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forced to apply under the general category. The learned counsel submitted that the educational qualification that has been prescribed under the notification and the pattern in which such educational qualification has to be acquired, has been completed by the petitioner in Tamil medium and therefore, the petitioner is entitled to be considered under the PSTM category in accordance with the Tamil Nadu Appointment on preferential basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010.

7.The short issue that arises for consideration in the present case is as to whether the petitioner is entitled to be considered for appointment under the PSTM category.

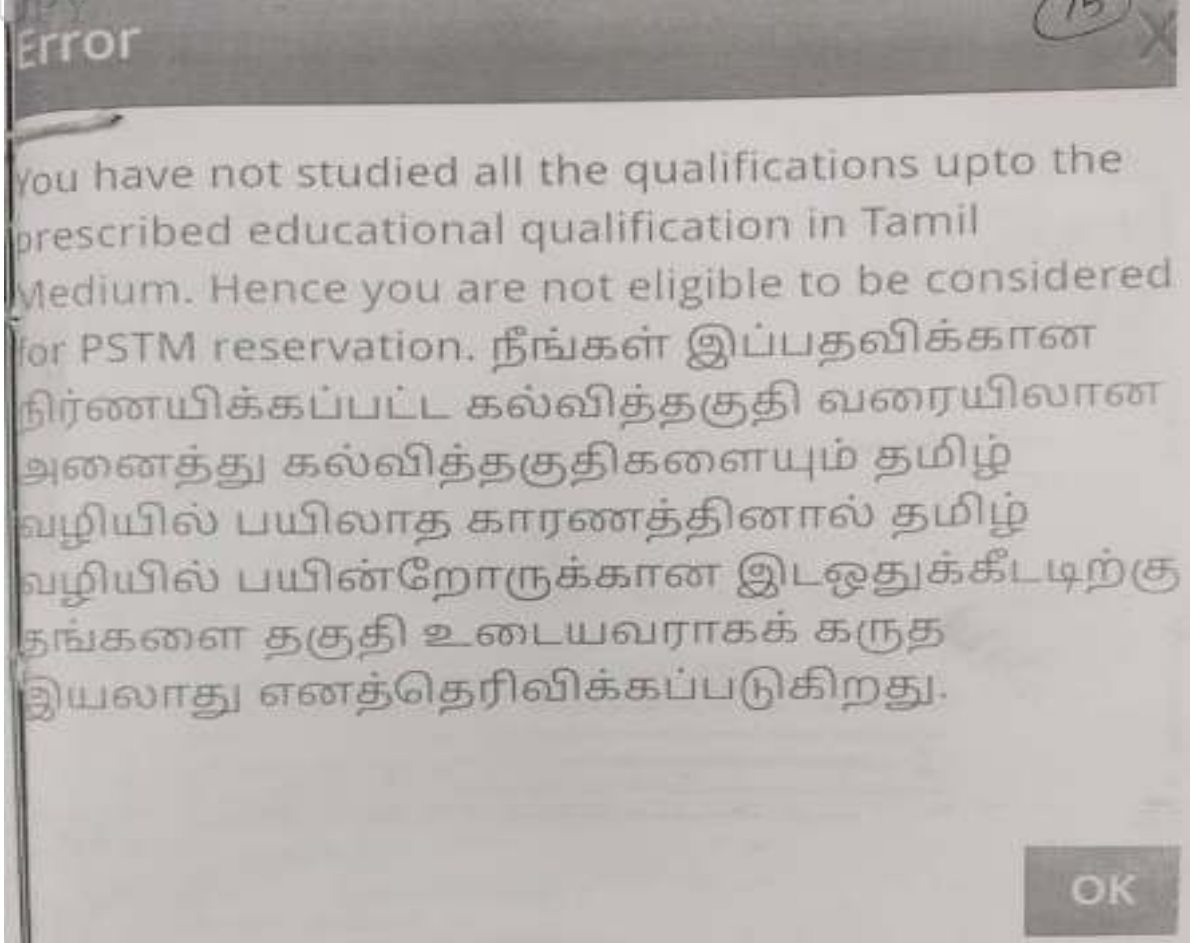
8.The admitted case of the petitioner is that he has undergone SSLC, HSC and LL.B., (UG) in Tamil medium. The same is clear from the PSTM Certificates that have been issued in the name of the petitioner by the concerned authority and which has been filed in the typed set of papers. The petitioner had also studied B.Sc., Computer Science and completed the course in English Medium. When the petitioner was attempting to upload the documents by claiming for reservation under the PSTM category, the website showed an error and for proper appreciation, the scanned copy



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of the same is extracted hereunder:

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9.The main ground that was urged by the learned Special Government Pleader appearing on behalf of the 1st respondent and the learned Standing Counsel appearing on behalf of the 2nd respondent is that the petitioner under normal circumstances, would have undergone LL.B., course for five years and whereas, the petitioner was able to undergo the course for three years, since the petitioner had already completed



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another Under Graduation course. Therefore, if the petitioner is seeking for reservation under the PSTM category, the basic under graduation course that was undergone by the petitioner should also be completed in Tamil medium. In the absence of the same, the petitioner cannot be considered for reservation under the PSTM category. In order to appreciate the stand taken by the respondents, this Court has to carefully consider the relevant provisions under the 2010 Act. The said Act underwent an amendment through Act 35 of 2020 and Section 2(d) defined persons studied in Tamil medium and for proper appreciation, the amended definition and the explanation are extracted hereunder:

2.....

(d) "person studied in Tamil medium" means a person who has studied through Tamil medium of instruction upto the educational qualification prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State.

Explanation.- For the purpose of this clause, -

- i. in cases, where SSLC is prescribed as the educational qualification, one shall have studied upto SSLC through Tamil*



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medium of instruction;.

- ii. in cases, where a Higher Secondary Course is prescribed as the educational qualification, one shall have studied SSLC and the Higher Secondary Course through Tamil medium of instruction;*
- iii. in cases, where a diploma is prescribed as the educational qualification, one shall have studied SSLC and the diploma through Tamil medium of instruction or if the diploma is obtained after completion of Higher Secondary Course then one shall have studied SSLC, Higher Secondary Course and the diploma through Tamil medium of instruction;*
- iv. in cases, where a degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course and the degree through Tamil medium of instruction;*
- v. in cases, where a post-graduate degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course, degree and the post-graduate degree through Tamil medium of instruction."*

10.A careful reading of the above definition and the explanation given thereto



shows that for a person to be considered under the PSTM category, he should have studied through Tamil medium of instruction up to the educational qualification prescribed for direct recruitment in the Rules or Regulations. The explanation clarifies the meaning of the word “Studied through Tamil medium of instruction up to the educational qualification”. For the case in hand, explanation (iv) is relevant. It says that in cases where a degree is prescribed as the educational qualification as in the present case where the Under Graduation degree in Law has been prescribed as the qualification, one should have studied SSLC, HSC and the degree through Tamil medium of instruction. The materials that have been placed before this Court shows that the petitioner has in fact studied SSLC, HSC and LL.B., in Tamil. These qualifications also fall under the pattern 10 + 2 + 3.

11.The objections raised by the respondents is that the petitioner did not study in Tamil medium when he underwent B.Sc., Computer Science course and that without completing that course, the petitioner would not have been able to complete LL.B., in three years.

12.The above issue that has been raised on the side of the respondents was considered by this Court in W.P.Nos.16169 and 19493 of 2024, by an order dated



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29.08.2024. That was a case where the petitioners therein had applied for the post of Assistant Engineer (Civil Engineering). The qualification that was prescribed was degree in Civil Engineering. The petitioners therein underwent SSLC and HSC in Tamil medium. Thereafter, they underwent a Diploma in Civil Engineering for two years in English medium. Thereafter, they got a lateral entry into B.E., (Civil Engineering). The application submitted by them under the PSTM category was not considered on the ground that they did not undergo the Diploma in Tamil medium. While dealing with this issue, this Court interpreted the amended definition and also the explanation and the relevant portions in the order are extracted hereunder:

28. This Court has to next venture into the scope of the term "persons studied in Tamil medium". The Division Bench itself had dealt with the scope of Section 2(d) of the Act 35 of 2020 at paragraph No.35 of the judgment. While dealing with it, the Division Bench has held that a person must complete his education in Tamil medium upto the prescribed qualification.

29. In the case in hand, the qualification that has been prescribed under the notification is that the candidate must have completed B.E. degree in civil engineering. The petitioners are lateral entrants into the B.E. degree after completing their diploma



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course. What is prescribed as a qualification in the notification is only a degree and not diploma. Therefore, it must be seen as to whether the petitioners, who do not possess a PSTM certificate for the diploma course to prove that they underwent the course in Tamil medium, can be accommodated within the scope of explanation (iv) to Section 2(d) of the Act 35 of 2020.

30. The explanation to Section 2(d) of the Act 35 of 2020 considers each scenario separately. If the educational qualification prescribed is SSLC, one should have studied upto SSLC through Tamil medium. Similarly, where the educational qualification is HSC, one should have studied up to SSLC and HSC in Tamil medium. If the educational qualification is a diploma, one should have studied in Tamil medium up to SSLC and the Diploma must also be through Tamil medium of instruction. If the Diploma is obtained after the completion of HSC, one should have studied right through SSLC in Tamil medium and HSC in Tamil medium and Diploma also in Tamil medium. Further, explanation (iv) states that in cases where the degree is prescribed as the qualification, one should have studied SSLC, HSC and Degree through Tamil medium of instruction. Finally, explanation (v) states that in cases where a Post Graduate Degree is prescribed as qualification, one should have studied SSLC, HSC, Degree and Post Graduation through Tamil medium of instruction.



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31. *It is pellucid from the explanation that the object behind the Act is sought to be achieved by insisting the candidate to study in Tamil medium throughout upto the educational qualification that is prescribed in a recruitment notification. The practice that was deprecated by the Division Bench are cases where a person superficially undergoes Tamil medium with reference to essential qualification alone and whereas all his education till then was not in Tamil medium. Such practice was held to be against the object of the Act and those persons were held not to be entitled to be considered within PSTM category.*

32. *The language that has been used under the explanation to Section 2(d) of the Act 35 of 2020 is plain and clear. In explanation (iv), it is specifically stated that in cases where a degree is prescribed as an educational qualification, one should have studied up to SSLC, HSC and the Degree through Tamil medium of instruction. The petitioners made a lateral entry to B.E. degree after completing diploma. In such a scenario, if the Legislature insisted that such diploma must also carry a PSTM certificate, it would have been specifically mentioned in explanation (iv).*

33. *While interpreting a beneficial legislation, the Court must merely go by the language that has been used by the Legislature and*



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the Court must be aware that the Legislature had the knowledge of the prevailing scenario. The Court is expected to give a purposive interpretation and the Court should not add or modify something into the plain language used by the Legislature. By doing so, this Court will only be causing violence both to the intent and language of the Legislature.

34. The recruiting agency while providing for the quota under the PSTM category is also bound by the provisions of the Act. They cannot try to interpret the same differently except to understand it in the manner it has been specifically provided under the Act.

13. In the above judgment, this Court after taking into consideration the object behind the enactment and the beneficial nature of the enactment came to a conclusion that the petitioners therein are entitled to be considered under the PSTM category on the ground that they had completed SSLC, HSC and B.E., degree in Tamil medium and those essential qualifications prescribed under the notification were all completed in Tamil medium. In view of the same, this Court held that the petitioners therein even though had made a lateral entry into B.E., degree after completing the Diploma which was not completed in Tamil medium, they have satisfied the requirement of the definition and also explanation (iv) under the Act and therefore, they are entitled to



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be considered under the PSTM category.

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14.This Court also took into consideration explanation (v) at Paragraph No.38 of the order which is extracted hereunder:

38. There is yet another angle in which this issue can be dealt with. Explanation (v) talks about a case where a post graduation degree is prescribed as educational qualification. In such a case, the candidate should have studied SSLC, HSC, Degree and Post Graduation through Tamil medium. Therefore, if a candidate had studied SSLC, HSC and Post Graduation Degree in Tamil medium and whereas he has not studied Under Graduation in Tamil medium, the candidate will not be entitled to be considered under the PSTM category because of the insistence made in explanation (v). This juxtaposed with explanation (iv) shows that the said explanation does not contemplate a scenario of obtaining a PSTM certificate for a diploma where a degree is prescribed as an educational qualification. In such cases, it is enough if one has studied SSLC, HSC and the Degree through Tamil medium of instruction. This requirement has been satisfied by all the petitioners.

15.In the case in hand, the qualification that has been prescribed under the



notification is that the persons should have completed the under graduation in the 10 + 2 + 3 pattern and all these educational qualifications must have been completed only in Tamil medium. The petitioner has satisfied this requirement. The petitioner cannot be deprived of the reservation under the PSTM category just because the petitioner had undergone B.Sc., Computer Science in English medium. That degree obtained by the petitioner is not in any way material to consider the petitioner in the present notification. The submission on the side of the respondents that the petitioner could not have completed LL.B., in three years, if he had not completed the Under Graduation in Computer Science and therefore, the petitioner should have completed the B.Sc., Computer Science also in Tamil medium, is too far fetched. That is not the requirement under the 2010 Act.

16. In the light of the above discussion, this Court holds that the petitioner is entitled to be considered under the PSTM category. The learned counsel for the petitioner submitted that the petitioner was not able to upload the documents and apply under the PSTM category, since the website was not accepting. The same is evident from the error shown in the website and which has been scanned and extracted *supra*. In view of the same, the petitioner was not able to apply under the PSTM category. The online mode did not permit the petitioner to apply under the



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PSTM category and therefore, the petitioner cannot be blamed for not being able to apply under the PSTM category when he submitted the application. In view of the same, the petitioner must be considered under the PSTM category and the relevant Certificates must be received from the petitioner, if the petitioner qualifies to the stage of Certificate Verification after he successfully completes the written examination. The claim made by the petitioner for appointment shall be considered under the PSTM category, if he satisfies all the other requirements.

17. Accordingly, this writ petition stands allowed. No Costs.

25.09.2024

Internet : Yes
Index : Yes
Speaking Order
Neutral Citation : Yes/No
ssr



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To

- 1.The Chief Secretary,
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- 2.The Secretary,
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N. ANAND VENKATESH, J.

SSR

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