



W.A.No.3661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.3661 of 2024
and
C.M.P.No.28803 of 2024**

1. C.Deepa

2. K.Sakthivel

3. M.Bharathi

... Appellants

-Vs-

1. The State of Tamil Nadu,
Represented 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.

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.26157 of 2024 dated 11.09.2024 and allow the above writ appeal.



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For Appellant : Mr.V.S.Jagadeesan
For Respondents : Mr.M.Venkateswaran
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the writ Court dated 11.09.2024 in W.P.No.26157 of 2024.

2. The appellants were the writ petitioners who in pursuant to the Notification dated 13.01.2023 issued by the Tamil Nadu Public Service Commission, the second respondent herein, for the post of Road Inspector in Rural Development and Panchayat Raj Department, had made applications.

3. At the time of making the applications, the appellants / petitioners did not make any claim as if that they have made applications under PSTM quota, i.e., Persons Studied in Tamil Medium.

4. It is also a fact that, even though the appellants / petitioners have studied the entire course from I Standard to ITI only under Tamil Medium, they have not made such applications claiming such quota, correspondingly they have not uploaded the documents.



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5. Subsequently, a writ petition has been filed, based on which, direction has been given, pursuant to which, the Government had issued direction to issue certificate by ITI as if that the students who studied in Tamil Medium in ITI are entitled to get such certificate.

6. Such certification has been obtained by the appellants only in the month of June and July, 2024, i.e., well after the last date of making application for TNPSC.

7. Therefore, they approached the writ Court seeking for a writ of mandamus to direct the Tamil Nadu Public Service Commission to permit the petitioners to upload the PSTM Certificate for having studied from I Standard to ITI in Tamil Medium and to consider the petitioners for appointment to the post of Road Inspector.

8. The said plea having been considered was rejected by the learned Judge through the impugned order.

9. We have gone through the impugned order passed by the learned Judge and we heard Mr.V.S.Jagadeesan, learned counsel appearing for the appellants.



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10. The learned counsel even though would contend that, at the time when the last date for making the application, though the appellants / petitioners had the certification of PSTM upto +2, they did not have the certificate of PSTM for ITI and for such certification, since the Court order has to be passed and only after passing the order of the Court, they were able to get the certification sometime in June or July 2024, the claim was sought for making the application by uploading the documents by enclosing the PSTM certificate, but they could not make the application in time and could not upload the documents, therefore, that has to be condoned and therefore, to that extent, the order passed by the learned Judge is liable to be interfered with, he contended.

11. We have not impressed with the said submission made by the learned counsel appearing for the appellants for the reasons that, insofar the condition that has been imposed in the Notification, it has been made clear that, 'failure to upload such documents at the time of submission of online application as evidence for Persons Studied in Tamil Medium for all educational qualification upto the educational qualification prescribed, shall result in the rejection of candidature after due process'.



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12. The relevant clause of the notification also is extracted hereunder for

easy reference:

"13. GENERAL INFORMATION:

(A) *The rule of reservation of appointments is applicable to this recruitment.*

(B) Persons Studied in Tamil Medium

*(i) As per Section 2(d) of the Tamil Nadu Appointment on preferential basis in the services under the State of Persons Studied in Tamil Medium Act, 2010, as amended by Act 35 of 202, **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.***

*(ii) Candidates claiming to be Persons studied in Tamil Medium (PSTM) must upload / produce evidence for the same in the form of SSLC, HSC, Transfer Certificate, Provisional Certificate, Convocation Certificate, Degree Certificate, PG Degree Certificate, Mark Sheets, Certificate from the Board or University or from the Institution, as the case may be, with a recording that he/she had studied **the entire duration of the respective course(s) through Tamil Medium of instruction at the time of submission of online application.***

(iii) Candidates must upload / produce documents as evidence of having studied in the Tamil Medium, all educational



qualification upto the educational qualification prescribed.

Example:

If the prescribed educational qualification is Diploma, then the candidate should have studied from the First Standard to SSLC and Diploma Course (or) First Standard to SSLC and Diploma Course (or) First Standard to SSLC, Higher Secondary Course and Diploma Course, through Tamil medium of instruction. (For further details refer to para.4-E of the "Instructions to Applicants").

(iv) *If no such document as evidence for 'PSTM' is available, a certificate from the Principal / Head Master / District Educational Officer / Chief Educational Officer / District Adi Dravidar Welfare Officer / Controller of Examinations / Head / Director of Educational Institution / Director / Joint Director of Technical Education / Registrar of Universities, as the case may be, in the prescribed format must be uploaded at the time of submission of online application for each and every educational qualification up to the educational prescribed.*

(v) *Failure to upload such documents at the time of submission of online application as evidence for 'Persons Studied in Tamil Medium' for all educational qualification upto the educational qualification prescribed, shall result in the rejection of candidature after due process'.*

(vi) *Documents uploaded at the time of submission of online application as proof of having studied in Tamil medium, for the partial duration of any course / private appearance at any*



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examination, shall not be accepted and shall result in the rejection of candidature after due process.

(For further details refer to para.14(R) of 2(W) of the "Instructions to Applicants")."

13. Therefore, it has been made clear that, even the failure to uploading the document on or before the last date for uploading the document itself would entitle the Tamil Nadu Public Service Commission to reject the application in *limine*.

14. It is also a fact that as per sub-clause (vi) of Clause 13 of the Notification, even partial uploading of the document in respect of some of the courses studied in Tamil Medium also will be considered as an incomplete uploading and even in that case also, the application would be rejected.

15. When these are all the conditions that has been imposed, we cannot find fault with the Tamil Nadu Public Service Commission as they have not considered the applications of the appellants / petitioners under PSTM category as admittedly, it is not only the case of the petitioners that they have not uploaded the documents for want of ITI Tamil Medium document which had been secured subsequently, but the appellants / petitioners admittedly have not



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at all made applications seeking such claim under PSTM category.

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16. Once the applications have been filed where they made the claim under the PSTM category and they uploaded the certification upto +2 which were readily available at the time of making applications and subsequently, if they are able to get the certificate for studying in Tamil Medium in ITI and that could not be uploaded, for such eventuality, the Court would have taken a different view, this stand has also been observed by the learned Judge in the impugned order itself.

17. However in the present case, in the applications itself such claim since have not been made by the appellants / petitioners under PSTM quota, it cannot now be stated that, even without making a claim of PSTM quota, if applications made, subsequently it can be altered and if that kind of indulgence is shown by the Court of law, that will alter the condition of the very recruitment process to be taken by the Tamil Nadu Public Service Commission and that is impermissible as the law is well settled in this regard that, once the game is started, the rule that has already been framed and accepted by both sides is binding both of the parties and in this context, the aforesaid Clause 13 with regard to the PSTM candidates would bind both the parties including the appellants / petitioners, hence failure in making the applications would not



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make them entitled to the status of PSTM and for such purpose, an indulgence cannot be shown by this Court, therefore, we do not find any error in the approach of the learned Judge as well as the conclusion reached by him through the impugned order.

18. Resultantly, this Writ Appeal fails and hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)

17.12.2024

NCC : Yes
Index : Yes
Speaking Order : Yes

vji

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
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,



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