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W.A.Nos.707 & 722 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.Nos.707 and 722 of 2019
and C.M.P.Nos.5796, 5859 and 5863 of 2019**

W.A.No.707 of 2019

The Secretary
Tamil Nadu Public Service Commission
Chennai-3.

... Appellant

-Vs-

1.T.Kalaiselvi

2.The State of Tamil Nadu
rep.by its Secretary
Labour and Employment Department
Fort St.George, Chennai-09.

3.The Principal
Dr.Ambedkar Government Law College
Chennai-104.

4.Muthu Jeyakumari

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in dated 13.10.2017 in W.P.No.15381 of 2013.

For Appellant	:	Mr.I.Abrar Md.Abdullah
For Respondents	:	Mr.Govardhan for Mr.L.Shaji Chellan for R1 Mr.M.Bindran, Addl.Govt.Pleader-for R2 Mr.V.Vasanth Kumar, Standing Counsel - for R3 R4 - Not ready in notice



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W.A.No.722 of 2019

The Secretary
Tamil Nadu Public Service Commission
Chennai-3.

... Appellant

-Vs-

1.T.Kalaiselvi

2.The State of Tamil Nadu
rep.by its Secretary
Labour and Employment Department
Fort St.George, Chennai-09.

3.State of Tamil Nadu
rep.by its Secretary, Law Department
Fort St.George, Chennai 600 009.

4.University of Madras
Rep.by its Registrar, Centenary Building
Chepauk, Chennai 600 005.

5.Tamil Nadu Dr.BR Ambedkar Law University
Rep.by Registrar, Poombozhil, R.A.Puram
Chennai 600 028.

6.Director of Legal Studies
Purasaivakkam High Road
Kilpauk, Chennai-10.

7.The Principal
Dr.Ambedkar Government Law College
Chennai-104.

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order dated 13.10.2017 in W.P.No.21012 of 2013.

For Appellant	:	Mr.I.Abrar Md.Abdullah
For Respondents	:	Mr.Govardhan for Mr.L.Shaji Chellan for R1 Mr.M.Bindran, Addl.Govt.Pleader - for R2, R3 and R6 Mr.Arun Kumar Rajan - for R5 Mr.V.Vasantha Kumar, Standing Counsel - for R7



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J U D G M E N T

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

The first respondent is a law graduate having graduated from Madras Law College presently known as Dr.B.R.Ambedkar Government Law College. After successful completion of the five years law degree course between 1993-1998, the appellant Tamil Nadu Public Service Commission (TNPSC) called for applications for the post of Labour Officer by issuing a notification dated 07.03.2012, for which the first respondent had applied.

2. Since there has been a quota of 20% for persons who studied in Tamil Medium (PSTM), she had applied in that quota. After the selection process was over, the first respondent was not selected on the ground that she could not be considered as a candidate who studied in Tamil Medium from class I to degree to be considered for recruitment to the post of Labour Officer.

3. The first respondent therefore had approached the writ court by filing W.P.No.15381 of 2013 to seek for a mandamus to declare the final result of the provisional selection of the first respondent. She had also filed a writ petition in W.P.No.21012 of 2013 seeking for a writ of certiorarified mandamus to call for the records relating to the show cause notice dated 17.07.2013 issued by the second respondent.



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4. The learned Judge who heard the said writ petitions passed a common order on 13.10.2017 whereby the learned Judge, having set aside the show cause notice, directed the TNPSC to declare the final result of the provisional selection of the first respondent to the post of Labour Officer and on such declaration if the first respondent is selected, appoint her as Labour Officer in the Tamil Nadu Labour Service 2011-12 against the quota reserved for PSTM with attendant benefits on the basis of her selection pursuant to the Notification No.35/2012 dated 07.09.2012. Aggrieved over the said order, the TNPSC has filed the present appeals.

5. Heard the learned counsel appearing for the parties. Learned Standing Counsel appearing for TNPSC would submit that, insofar as the period of study at Law College by the first respondent is concerned, it is between 1993-1998 and during that period, there has been no Tamil Medium of instructions under which the law course ie., five years law course was imparted and this has become evident on the basis of the communication received by the TNPSC from the Law University as well as the Law College.

6. When there has been no Tamil Medium instructions available during the relevant point of time, where the first respondent has undergone her five years integrated law course, the question of her claim that she studied B.L.degree in Tamil Medium and therefore she is entitled to seek reservation under PSTM quota does not



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arise. Therefore, the learned Standing Counsel would submit that this position has not been considered in proper perspective by the learned Judge, which is an erroneous approach. Resultantly, the order passed by the learned Judge allowing the writ petitions through the impugned order is liable to be interfered with, he contended.

7. On the other hand, Mr.Govardhan, learned counsel appearing for the first respondent contended that, though it has been stated that there was no Tamil Medium being introduced or under which the students were permitted to study the five years law course between 1993-1998, insofar as 1998 final semester examination is concerned, the nominal roll issued by the University consisting of the first respondent and her other classmates has been produced, where the learned counsel is able to point out that the first respondent's register number is 5930415 and another candidate whose register number is 5930435 and that the said candidate having register number 5930435 viz., K.Ramani has been shown as if she studied in Tamil Medium.

8. The said Ramani is the classmate of the first respondent and she studied along with the first respondent during the relevant point of time ie., between 1993-98. Therefore, the statement given by the College as well as the University that there has been no Tamil Medium of instructions in the five year integrated law course during 1993-98 cannot be countenanced.



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9. Insofar as the first respondent is concerned, the learned counsel would contend that she also had chosen to study the law course in Tamil Medium and she had written the examination in Tamil, but it has been wrongly mentioned as if she has chosen only English Medium and therefore, based on the statement that has been given by the law college or the University the TNPSC cannot come to a conclusion that the first respondent has not pursued her law course in Tamil Medium during the relevant point of time. Therefore, the reasoning given by the learned Judge in accepting the case of the first respondent, who stood as the writ petitioner in the writ court that she is entitled to get horizontal reservation of 20% under the Persons Studied in Tamil Medium (PSTM) quota and such a decision taken by the writ Court is to be sustained, he contended.

10. Mr.V.Vasanth Kumar, learned Standing Counsel for the College has filed a typed set of documents, where the learned Standing Counsel pointed out the nominal roll pertaining to the batch 1993-94 of Dr.B.R.Ambedkar Law College, where he was able to point out that the first respondent viz., T.Kalailselvi with register number 5930415 has studied the course only in English Medium and this has been reflected in the nominal roll itself. That is the only document which is available with the college.



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11. Relying upon the said document, the learned Standing Counsel would contend that the Tamil Medium of instructions has been first introduced only in 1998 ie., upto 1997 there has been no Tamil Medium of instructions in the five years law degree course.

12. Since the first respondent admittedly joined the course in 1993-94 and completed her course in the year 1998, there was no chance of her being studied in Tamil Medium as claimed by her. Therefore, that has been made clear before the TNPSC and the same stand is once again reiterated by the College before this Court also, he contended.

13. We have considered all these submissions made by the learned counsel for the parties and have perused the materials placed before this Court.

14. The only controversy that has to be resolved is whether the first respondent has studied the five years integrated law course at the Dr.BR Ambedkar Government Law College at Chennai during the years 1993-94 to 1997-98 in Tamil Medium instructions.

15. In order to ascertain this factor, the document which is available before this Court is only the nominal roll of the University, which discloses that the first



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respondent has studied the course only in English Medium. Even though the 1998 final semester examination nominal roll has been produced before this Court by the learned counsel for the first respondent today, where also we are able to see that insofar as the first respondent is concerned, her medium of instructions is shown only as English Medium.

16. Even though an attempt has been made by the learned counsel for the first respondent by quoting the name of one K.Ramani with register number 5940435 as if she studied in Tamil Medium as per the nominal roll, the same yardstick has to be adopted for the other students including the first respondent is concerned, the same is his logical argument, which is not impressing us for the simple reason that, insofar as the first respondent is concerned, the question that arises is whether she studied the course during the relevant point of time ie., 1993-94 in Tamil Medium or not. Unless and until she establishes that she studied the course in Tamil Medium only, she cannot claim the quota under PSTM category.

17. Since except these two documents, no other document has been produced before this Court to establish the claim made by the first respondent that she studied the five years integrated law course during the relevant point of time in Tamil Medium, this Court has to necessarily accept the stand taken by the TNPSC to reject the candidature of the first respondent claiming reservation of 20% under PSTM quota. If that is to be accepted, the first respondent is not entitled to seek



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any relief for declaration of her result or selection to the post of Labour Officer under the said quota of PSTM.

18. These aspects since have not been considered in proper perspective by the learned Judge who passed the order in the writ petition and the self-declared document by the first respondent, as if she studied the course in Tamil Medium since was accepted without any basis by the writ Court, we are inclined to interfere with the impugned order passed by the writ Court.

19. In result, the impugned order passed by the writ Court dated 13.10.2017 in W.P.No.15381 of 2013 and W.P.No.21012 of 2013 is liable to be interfered with. Accordingly, the same is set aside and the writ appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (K.B.,J.)
07.02.2024

Index : Yes
Neutral Citation : Yes
KST



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To

- 1.The Secretary to Government, Labour and Employment Department
Fort St.George, Chennai-09.
- 2.The Principal, Dr.Ambedkar Government Law College
Chennai-104.
- 3.The Secretary to Government, Law Department
Fort St.George, Chennai 600 009.
- 4.The Registrar, University of Madras, Centenary Building
Chepauk, Chennai 600 005.
- 5.The Registrar, Tamil Nadu Dr.BR Ambedkar Law University
Poombozhil, R.A.Puram, Chennai 600 028.
- 6.Director of Legal Studies, Purasaivakkam High Road
Kilpauk, Chennai-10.



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K.KUMARESH BABU, J.

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