



W.A.(MD).No.268 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD).No.268 of 2018
and
C.M.P.(MD).No.1583 of 2018

The Tamil Nadu Public Service Commission,
Represented by its Secretary,
No.1 Greams Road,
Commercial Taxes Annexe Buildings,
Chennai – 600 006.

Present Address:
V.O.C. Nagar,
Frazer Bridge Road,
Broadway,
Chennai – 600 003.

... Appellant / 2nd Respondent

Vs.

1.R.Senthil Kumar

... 1st Respondent/Petitioner

2.The State of Tamil Nadu,
Represented by its Secretary for
Department of Revenue,
Fort St.George,
Chennai – 600 009.

... 2nd Respondent/1st Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order dated 25.02.2014 passed in W.P.(MD).No.15154 of 2012.

For Appellant : Mr.V.Panneer Selvam
Standing Counsel
For R-2 : Mr.A.Kannan
Additional Government Pleader
For R-1 : No appearance

JUDGMENT

(Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This Writ Appeal has been filed against the order of the learned Single Judge of this Court in W.P.(MD).No.15154 of 2012 dated 25.02.2014.

2. The Writ Petition has been filed by the writ petitioner seeking for Writ of Mandamus to direct the second respondent to accept the Tamil Medium certificate and consequentially rank the petitioner “R.Senthil Kumar” in the appropriate position in the ranking list drawn for Backward Class OTM (General) Tamil Medium Common Degree (Non-Interview Post) for the present selection being held under the “Combined Subordinate Services Examination I” for 2009 to 2011.



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3. The case of the writ petitioner is that he is one of the candidates, who had appeared for the examination for direct recruitment for the posts included in Combined Subordinate Services Examination – I for the year 2009 to 2011. In Clause 3(A)(ii) of the notification, it is stated that as per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, the Government had issued orders to fill up 20% of all vacancies in direct recruitment on preferential basis to persons studied in Tamil medium (PSTM). The petitioner had applied under the category of having studied in Tamil medium (PSTM). However, he has not enclosed requisite evidence for having studied in Tamil Medium. As a result, he was not considered for reservation under the BC (G) PSTM category. However, he was considered under the BC (G) category. The grievance of the writ petitioner is that similarly placed other candidates, those who have not enclosed the certificates for PSTM, were given opportunity of producing the certificates and they were selected in BC (G) PSTM category, whereas, the writ petitioner has not been given an opportunity to produce the same and thereby, he was selected only under the BC (G) category. Based on the marks obtained in the written examination, he was called for the first phase



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of counselling for non-oral test posts and he was appointed in the post of Assistant in the Revenue Development and Panchayat Raj Department. Aggrieved by the same, he has filed the Writ Petition.

4. The learned Single Judge, finding that no opportunity was given to the writ petitioner to produce the proof for PSTM, had disposed of the Writ Petition and directed the Tamil Nadu Public Service Commission to consider the case of the writ petitioner under PSTM category, within a period of eight weeks from the date of receipt of a copy of the order. Challenging the same, the present Writ Appeal has been filed.

5. The learned Standing Counsel appearing for the TNPSC would submit that as per the notification, Clause 10 mandates the candidates, who claim reservation for PSTM, to produce the evidence for PSTM. As far as the writ petitioner is concerned, he had not filed the requisite enclosures to claim reservation for PSTM category, whereas, the other persons who claimed reservation for PSTM category, had filed the necessary enclosures. He would further submit that the writ petitioner had not filed any enclosures



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as proof and he has also not opted under PSTM category at the time of filing application. Even as per the proof produced at the time of filing of Writ Petition, the certificates are dated 15.11.2012, which were obtained after the selection process was over. Thereby, the writ petitioner is not entitled for reservation under PSTM category. Hence, the learned counsel prays to set aside the order of the learned Single Judge.

6. Heard the learned Standing Counsel for the appellant and the learned Additional Government Pleader for the second respondent and perused the materials available on record.

7. Clause 10 of the notification issued by the TNPSC reads as follows:

“10. ENCLOSURES TO BE SENT ALONG WITH APPLICATION:

Candidates should enclose attested copies of all certificates (including evidence for Educational Qualification i.e SSLC, HSC, Diploma, U.G. Degree and PG degree possessed by them) as mentioned in para 15 of the Commission's instructions etc., to candidates' and item 26 under part -II of



Information Brochure to candidates along with a Postal Receipt to the value of Rs.100/- (Rupees One hundred only) pasted in the column provided in the application, unless exemption of fee is claimed Original certificates should not be sent. Those applying Online please refer sub para D of para 13 of this Notification/Advertisement.

In addition to the above said enclosures evidence for PSTM should be enclosed if the candidates claim reservation for PSTM.

Applications received without the attested copies of certificates as specified above will be rejected.”

8. The Hon'ble Apex Court has time and again held that the mandatory directions issued under the notification are to be strictly complied with and upon failure, they cannot be relaxed. In this regard, it is relevant to refer to the judgment of the Hon'ble Apex Court in ***The State of Tamil Nadu and others Vs. G.Hemalathaa and another***, passed in ***Civil Appeal No.6669 of 2019 dated 28.08.2019***, wherein, it is held as follows:

“7. We have given our anxious consideration to the submissions made by the learned Senior Counsel for the Respondent. The Instructions issued by the Commission are



mandatory, having the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the Instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission”.

9. In the present case, it is relevant to note that the last date of submission of application forms for selection was 11.02.2011 and the interviews were held from June 2012 to July 2012. The brochure and the notification issued by the Tamil Nadu Public Service Commission makes it clear that the persons, who claim for reservation under the quota “PSTM”, should produce the relevant certificate at the time of interview, apart from sending a copy of the certificate along with the application forms. On perusal of records, it is seen that the writ petitioner secured the certificate from the University only on 15.11.2012, which confirms that he had not sent the copy of the certificate along with the application form and he had also not produced the same at the time of interview. Thereby, the TNPSC was handicapped in treating the writ petitioner as a candidate under PSTM quota. We also find that after the selection process was over, the writ



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petitioner, finding that he may be placed above the other candidates, has filed the Writ Petition. Since the writ petitioner has not complied with the conditions under the brochure and notification, prior to completion of selection process, he is not entitled to claim reservation under PSTM category. Therefore, the order of the learned Single Judge in considering the writ petitioner under PSTM category is not sustainable and the same is liable to be set aside.

10. Accordingly, the order of the learned Single Judge passed in W.P. (MD).No.15154 of 2012 dated 25.02.2014 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
01.07.2024

NCC : Yes / No
Index : Yes / No
Lm



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To
The Secretary for
Department of Revenue,
The State of Tamil Nadu,
Fort St.George,
Chennai – 600 009.



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