



W.A.(MD)No.2465 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.2465 of 2024

and

C.M.P.(MD)No.17227 of 2024

1.The Secretary,

Tamil Nadu Public Service Commission,
Park Town,
Chennai – 600 003.

2.The Under Secretary,

Tamil Nadu Public Service Commission,
VOC Nagar,
Park Town,
Chennai – 600 003.

3.The Controller of Examination,

Tamil Nadu Public Service Commission,
VOC Nagar,
Park Town,
Chennai – 600 003.

: Appellants

Vs.

1.S.Deepa



W.A.(MD)No.2465 of 2024

2.The Principal Secretary to Government,
Human Resource Management Department,
Fort St. George,
Chennai – 600 009.

: Respondents

[R2 is suo motu impleaded vide order of this Court dated 03.12.2024].

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order in W.P.(MD)No.10330 of 2024, dated 29.04.2024 and allow the present Writ Appeal.

For Appellants : Mr.V.Panneer Selvam
For Respondent : Mr.Mohamed Imran
for M/s.Ajmal Associates

JUDGMENT

[Judgment of the Court was delivered by **M.S.RAMESH, J.**]

Challenge is made to the order of the learned Single Judge dated 29.04.2024 in W.P.(MD)No.10330 of 2024.

2.In the order passed in the Writ Petition dated 29.04.2024, the respondent / candidate was permitted to participate in the further course of selection by treating her under PSTM category. In the said order of the learned Single Judge, the Government order in G.O.(Ms).No.82, Human Resources Management (S) Department dated 16.08.2021, was read down and the candidates who had completed their 12th examination



W.A.(MD)No.2465 of 2024

privately in Tamil medium were recognized to be eligible under PSTM category. After passing of the order in the writ petition, the Coordinate Bench of this Court in the case of **Tamil Nadu Public Service Commission Vs. C.Dineshkumar in W.A.(MD)No.2164 of 2024 dated 29.10.2024**, had an occasion to deal with a similar issue and had recognized the status of the students who had completed the higher secondary education in Tamil medium through private study, to be eligible under PSTM category. The relevant portion of the order reads as follows:

“11.The primordial contention of the appellant revolves around the eligibility of the respondent under the PSTM (Persons Studied in Tamil Medium) category, as defined in Notification No. 03/2022, dated 23.02.2022. The appellant-department argues that since the respondent completed his 10th standard privately, he does not meet the criteria for the PSTM category. However, the materials show that the respondent completed his education from 1st to 9th standards in Tamil medium at a regular school, and while he studied privately for the 10th standard, he took the exam in Tamil medium. He subsequently completed his higher secondary education (11th and 12th standards) in Tamil medium at a regular school and also completed his undergraduate degree in Tamil medium. The overall circumstances of his education demonstrate consistent Tamil medium instruction, which aligns with the



WEB COPY



W.A.(MD)No.2465 of 2024

intent of the PSTM quota. The writ court rightly recognized this broader interpretation of eligibility, focusing on the fact that the respondent wrote his 10th standard examination in Tamil medium.

12.The appellant department's action of withholding the respondent's candidature is based on the argument that private study for the 10th standard disqualifies him from the PSTM category. However, the Government Order G.O.(Ms) No. 82, dated 16.08.2021, protects candidates who have studied in Tamil medium, even if certain exams were completed privately, provided there is certification from the relevant authority confirming the use of Tamil medium. In this case, the respondent obtained a certificate from the Joint Director, Directorate of Government Examinations, Chennai, dated 09.03.2022, which confirmed that the respondent took his 10th standard exam in Tamil medium, fulfilling the essential requirement for consideration under the PSTM category. The certificate issued by a competent authority is valid and stands as adequate proof of the respondent's eligibility.

13.In the present case, the certificate issued by the Joint Director itself is explanatory which clearly proves that the respondent has passed the higher secondary examination through medium of instruction in tamil. The



WEB COPY



W.A.(MD)No.2465 of 2024

said certificate has not been disputed by the appellant herein and therefore, the contention of the appellant that the respondent studied in tamil medium privately is unsustainable on the simple ground that the educational authorities themselves issued the said certificate. Eventhough the appellant has strongly contended that the respondent has not studied his higher secondary examination in tamil medium, they have not produced any material to prove that the respondent has studied in medium of instruction other than tamil medium. The submissions made by the learned senior counsel for the appellant are unfounded and liable to be rejected, therefore, the writ court's decision to allow the writ petition is correct and requires no interference."

3.It is now stated by the learned Standing Counsel for the appellant Commission, on instructions that when the PSTM category is applied to the present candidate / respondent herein, she falls under the zone of consideration. It is also his submission that the certificate verification process has been completed and the respondent / candidate herein has also opted for the post of Assistant in the Department of Prison and Correctional Services during the counselling held. However, the results have been withheld in view of the pendency of the Writ Appeal.



W.A.(MD)No.2465 of 2024

WEB COPY

4.Now that the Division Bench in **C.Dineshkumar's** case has upheld the view taken by the learned Single Judge in the writ petition in W.P.(MD)No.10330 of 2024, there cannot be any further impediment for the appellant Commission to apply the PSTM quota for the respondent / candidate, which they have already exercised.

5.The legal position with regard to the entitlement of candidates who participate in recruitment process conducted by the TNPSC and their claim to be considered under PSTM category, when such candidate has completed his or her higher secondary course in Tamil medium has now been settled by the Coordinate Bench in **C.Dineshkumar's** case. In view of the same, the Principal Secretary of Human Resource Management, Chennai, is called upon to pass appropriate Government Order to extend the benefit of PSTM quota to candidates who have completed their higher secondary in Tamil medium through private study also. Such Government orders to the TNPSC shall be made within a period of eight [8] weeks from the date of receipt of a copy of this order.

6.For such purpose, the Principal Secretary to Government, Human Resource Management Department, Fort St. George, Chennai – 600 009, is *suo motu* impleaded as a party respondent.



W.A.(MD)No.2465 of 2024

WEB COPY

7.In the light of the above observations, the order of the learned Single Judge in W.P.(MD)No.10330 of 2024 dated 29.04.2024, is upheld. Consequently, there shall be a direction to the appellant Commission to forthwith forward the respondent namely Deepa's name as a successful candidate for inclusion in the final list of the selected candidates and place her in the appropriate seniority according to her merit in the final list within a period of two [2] weeks.

8.Accordingly, the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently the connected Miscellaneous Petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

03.12.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

Note: Issue a copy of this order by 04.12.2024.



WEB COPY



W.A.(MD)No.2465 of 2024

To

1.The Principal Secretary to Government,
Human Resource Management Department,
Fort St. George,
Chennai – 600 009.

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

3.The Under Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar,
Park Town,
Chennai – 600 003.

4.The Controller of Examination,
Tamil Nadu Public Service Commission,
VOC Nagar,
Park Town,
Chennai – 600 003.



WEB COPY



W.A.(MD)No.2465 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

JUDGMENT MADE IN
W.A.(MD)No.2465 of 2024

03.12.2024