



W.A.(MD)No.2468 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

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CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.2468 of 2024

and

C.M.P.(MD)No.17267 of 2024

1.Tamil Nadu Public Service Commission,

Represented by its Secretary,

TNPSC Road,

VOC Nagar,

Park Town,

Chennai – 600 003.

2.The Controller of Examination,

The Tamil Nadu Public Service Commission,

VOC Nagar,

Park Town,

Chennai – 600 003.

: Appellants

Vs.

C.Kuttithai

: Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order in W.P.(MD)No.11316 of 2024, dated 18.06.2024 and allow the present Writ Appeal.



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For Appellants : Mr.V.Panneer Selvam
For Respondent : Mr.C.Venkatesh Kumar
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 18.06.2024 in W.P.(MD)No.11316 of 2024.

2.In the order passed in the Writ Petition dated 18.06.2024, 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 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 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



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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 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



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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.In view of the subsequent decision of the Coordinate Bench in ***C.Dineshkumar's*** case, the finding rendered by learned Single Judge with regard to the entitlement of a private candidate for PSTM quota cannot be found fault with.

4.The learned Standing Counsel for the appellant Commission by placing reliance on the memorandum of the TNPSC in Memorandum No.271/PSD-A2/2022 dated 08.07.2024 submits that as per the directions in the impugned order of the writ petition, the candidature of the first respondent herein was considered by bringing her under PSTM category and still it is found that she is not eligible for the next level of selection process.

5.In view of the same, the first respondent herein may not be entitled to seek for any favourable orders for selection pursuant to the memorandum of the TNPSC dated 08.07.2024. However, liberty is granted to the respondent herein to challenge the



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proceedings of the TNPSC in Memorandum No.271/PSD-A2/2022
dated 08.07.2024, in the manner known to law.

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6.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.



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To

1.The Secretary,

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TNPSC Road,
VOC Nagar,
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2.The Controller of Examination,

The Tamil Nadu Public Service Commission,
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

JUDGMENT MADE IN
W.A.(MD)No.2468 of 2024

03.12.2024