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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 20223 of 2024

And

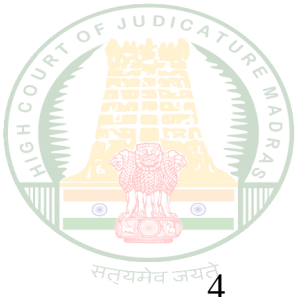
W.M.P.Nos. 22133 & 22132 of 2024

S.Manivel

... Petitioner

..Vs..

1. The State of Tamil Nadu
Rep., by its Principal Secretary to Government
Human Resources Management Departments
Fort St. George
Secretariat, Chennai – 600 009.
2. The Tamil Nadu Public Service Commission
Rep. by its Secretary
TNPSC Road
Broadway,
Chennai – 600 003.
3. The Commissioner/Director
Directorate of Technical Education (DoTE)
53, Sardar Patel Road,
Anna University
Guindy,
Chennai – 600 025.



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4. The Principal
Sri Ayyappa Polytechnic College
Aivathuguti, Eranji Post,
Virudhachalam Taluk
Cuddalore District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the impugned rejection order of non-selection of the petitioner dated 20.06.2024 issued by the second respondent and quash the same, consequently, direct the respondents to select and appoint the petitioner in Group-II posts under PSTM category as per the Recruitment notification of the second respondent dated 23.02.2022.

For Petitioner	:: Mr. Chenthoorai Pugazendhi for Mr.K.Balu
For RR 1 to 3	:: Mr. C.Jayaprakash Government Advocate
For 2 nd Respondent	:: Ms.G.Hema TNPSC
For 4 th Respondent	:: Mr. C.Munusamy



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ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the impugned rejection order by which was the petitioner was not selected to the posts included in the Service Examination II (interview posts, non interview posts) Group – II services, Group-IIA service dated 20.06.2024 and quash the same. The petitioner seeks a direction that the petitioner should be selected and appointed in Grade-II post under PSTM category in accordance with the recruitment notification of the second respondent on 23.02.2022.

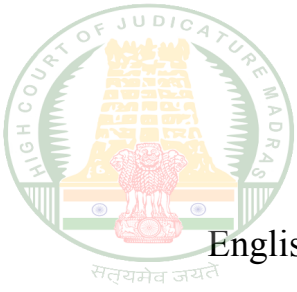
2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner had completed his Degree Course in B.E., Mechanical Engineering. He had studied in the pattern 10 +2 +2 +3 which is equivalent 10 +2 +4 for the purpose of employment in public service. The petitioner claims that the petitioner had completed his studies only in Tamil from first standard to Degree Course. The petitioner was also able to obtain PSTM certificate. The petitioner had then applied for Direct



Recruitment to the posts included what can be commonly called Group-II services, services which was issued under recruitment notification of the second respondent on 22.02.2022.

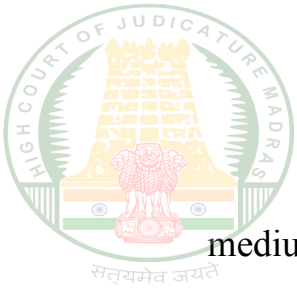
3. The petitioner had applied and claimed reservation under PSTM category and thereafter the petitioner was called for the preliminary examination and the petitioner was also selected. The petitioner was then permitted to written the main written examination. The petitioner was also selected for onscreen certificate verification. The petitioner then was called for certificate verification, counselling on 04.06.2024 by proceedings dated 07.05.2024. Thereafter, the physical certificate verification was conducted on 04.06.2024 and the petitioner submitted the original education certificates including PSTM certificates. However, the petitioner was declared ineligible since the petitioner did not produce the PSTM certificate with respect to the Diploma course in Mechanical Engineering which he studied in the fourth respondent college.

4. Even at the outset, it was stated by the learned Counsel for the fourth respondent that the medium of instruction for Diploma course was



English. This is in contradiction to the Transfer Certificate issued by the fourth respondent wherein it had been very specifically stated that the medium of instruction was in Tamil. It is deplorable that the fourth respondent had issued a Transfer Certificate to the petitioner and probably to similarly placed candidates holding that the medium of instruction was in Tamil, while instructing the learned counsel to produce before the Court, the course book for Diploma / post Diploma courses, wherein the medium of instructions is given as English.

5. The respondents had justified non selection or rather rejection of the petitioner only on the ground that the petitioner was not able to produce PSTM certificate for the Diploma Course undergone by the petitioner. At the time when the physical verification of certificate was conducted, the petitioner had produced the Transfer Certificate referred supra, where the medium of instruction had been given as Tamil. Unless, the medium of instruction was Tamil, such a Transfer Certificate would not have been issued by the fourth respondent. There is no dispute raised relating to the veracity of such certificate. It has therefore to be concluded that the petitioner had actually undergone the Diploma Course only in Tamil



medium. This would effectively mean that the petitioner had studied from first standard till completion of degree only through Tamil medium. It has to be stated with some dismay that when the petitioner had completed his course through Tamil medium, which is actually encouraged by the Government, every step is taken to ensure that the petitioner is rejected when the petitioner applies for a post. The Transfer Certificate must be viewed and appreciated at its face value unless the respondents hold that the Certificate had been forged or fraudulently prepared. That is not the case of the respondents with respect to the petitioner.

6. As a matter of fact, even with respect to the medium of instruction during school, the petitioner had produced the Certificate from the school authorities that the medium of instructions was in Tamil. The Transfer Certificate produced for the Diploma Course in which very specifically, it had been stated that the medium of instruction was Tamil should not have been rejected by the respondents. The rejection of the petitioners cannot be appreciated and can not withstand the scrutiny of this Court. Such rejection has to be set side by this Court.



7. Even otherwise, a learned Single Judge of this Court had examined the very same issue in ***W.P.Nos. 16169 and 19493 of 2024 [R.Prakash and Others Vs. The State of Tamil Nadu, represented by its Principal Secretary to Government, Higher Education Department, Chennai]***. By an order dated 29.08.2024, the learned Single Judge had stated that when it is contemplated in the notification that the medium of instructions should be in Tamil in the school and in the Degree Course, the respondents should have accepted the certificate produced by the petitioner therein which certificate stated that the medium of instruction in school and in degree was in Tamil. The learned Single Judge had held that the petitioners therein had a lateral entry into the Degree course and therefore, the fact that the Transfer Certificate had been issued that the medium of instruction was Tamil should have been taken into consideration by the respondents. The reasoning of the learned Single Judge is extracted below:-

“22. To start with, it is important to understand the objective behind the enactment to provide for appointment on preferential basis in the services for persons, who have studied in Tamil medium. The objective is that for persons,



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who have studied Tamil medium, they have very little chance of getting selected in the employment of Central Government, other State Governments or in private sectors. Therefore, there was a need for giving preference to those persons, who have studied through Tamil medium, in State Government services. With this avowed object, the Act was brought into force through Act No.40 of 2010.

29. In the case in hand, the qualification that has been prescribed under the notification is that the candidate must have completed B.E. degree in civil engineering. The petitioners are lateral entrants into the B.E. degree after completing their diploma course. What is prescribed as a qualification in the notification is only a degree and not diploma. Therefore, it must be seen as to whether the petitioners, who do not possess a PSTM certificate for the diploma course to prove that they underwent the course in Tamil medium, can be accommodated within the scope of explanation (iv) to Section 2(d) of the Act 35 of 2020.



30. *The explanation to Section 2(d) of the Act 35 of 2020 considers each scenario separately. If the educational qualification prescribed is SSLC, one should have studied upto SSLC through Tamil medium. Similarly, where the educational qualification is HSC, one should have studied up to SSLC and HSC in Tamil medium. If the educational qualification is a diploma, one should have studied in Tamil medium up to SSLC and the Diploma must also be through Tamil medium of instruction. If the Diploma is obtained after the completion of HSC, one should have studied right through SSLC in Tamil medium and HSC in Tamil medium and Diploma also in Tamil medium. Further, explanation (iv) states that in cases where the degree is prescribed as the qualification, one should have studied SSLC, HSC and Degree through Tamil medium of instruction. Finally, explanation (v) states that in cases where a Post Graduate Degree is prescribed as qualification, one should have studied SSLC, HSC, Degree and Post Graduation through Tamil medium of instruction.*



31. *It is pellucid from the explanation that the object behind the Act is sought to be achieved by insisting the candidate to study in Tamil medium throughout upto the educational qualification that is prescribed in a recruitment notification. The practice that was deprecated by the Division Bench are cases where a person superficially undergoes Tamil medium with reference to essential qualification alone and whereas all his education till then was not in Tamil medium. Such practice was held to be against the object of the Act and those persons were held not to be entitled to be considered within PSTM category.*

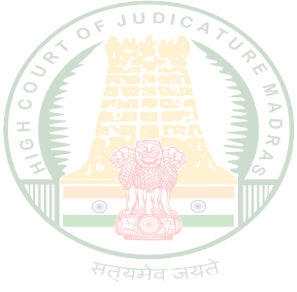
32. *The language that has been used under the explanation to Section 2(d) of the Act 35 of 2020 is plain and clear. In explanation (iv), it is specifically stated that in cases where a degree is prescribed as an educational qualification, one should have studied up to SSLC, HSC and the Degree through Tamil medium of instruction. The petitioners made a lateral entry to B.E. degree after completing diploma. In such a scenario, if the Legislature insisted that such diploma must*



also carry a PSTM certificate, it would have been specifically mentioned in explanation (iv). ”

8. It is to be noted that the Government of Tamil Nadu had given an opportunity to those, who had studied in Tamil and had provided specific reservation in admission to those who actually completed their studies in Tamil and has also introduced an amendment Act as Act 35 of 2020. It is also to be pointed out that those who completed their education in Tamil would not be in a position to compete, as pointed out by the learned Single Judge for posts advertised by the Union Government or by other State Governments. With the object of giving encouragement to such students and specific reservation had been brought in and categorised as a reservation for Persons, who had Studied in Tamil Medium (PSTM). The petitioner has studied in Tamil medium. The respondents cannot dispute that fact.

9. I hold that the stand of the fourth respondent has to be rejected. They cannot play on the life of students in such a casual manner.



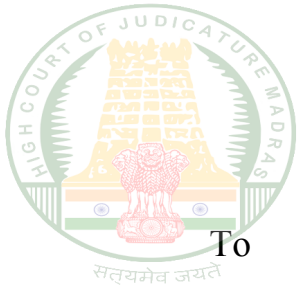
10. In the instant case, it is clear, crystal clear that the petitioner had completed his studies in Tamil language right through school during Diploma and in Degree. Rejection of the candidature of the petitioner by the second respondent has to be set aside. If the petitioner is otherwise eligible, the petitioner may be considered for selection to Group service II for which the petitioner had applied. A direction in that regard is issued to the second respondent.

11. A direction is issued to the second respondent to grant on admit the petitioner to any eligible post and orders must be passed within a period of four weeks from the date of receipt of a copy of this order.

12. The Writ Petition stands allowed. W.M.P.No. 22132 of 2024 stands allowed. W.M.P.No. 22133 of 2024 stands closed. No order as to costs.

06.03.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



To

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Fort St. George
Secretariat, Chennai – 600 009.
2. The Secretary
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C.V.KARTHIKEYAN, J.,

*vs*g

W.P.No. 20223 of 2024

And

W.M.P.Nos. 22133 & 22132 of 2024

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