



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 31038 of 2024

And

W.M.P.Nos. 33660 & 33661 of 2024

1. M.Prabu
2. U.Saravanan ... Petitioners

..Vs..

1. The State of Tamilnadu
Rep. By its Secretary to Government
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 600009.
2. The Director of Municipal Administration
Directorate of Municipal Administration
No.75, Santhome High Road,
Chennai – 600 028.
3. The Director
Entrance Examination Centre
Anna University
Sardar Patel Road
Chennai – 600 025.
4. The Director of Technical Education



53, Sardar Patel Road, Guindy
Chennai – 6000 025.

WEB COPY

5. Vinayaka Mission's Kirupananda Variyar Sundara Swamigal
Polytechnic
Rep. By its Correspondent
Ariyanur, Salem District. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration to declare that the petitioners are eligible to be considered for appointment in the posts at S.No.9-15 under the PSTM quota pursuant to the recruitment notification No.01/DMA/Recruitment/2024 dated 02.02.2024 issued by the second respondent.

For Petitioners	:: Ms. N.Kavitha Rameshwar
For RR 1 & 2	:: Mr. M.Suresh Kumar Additional Advocate General assisted by C.Selvaraj Additional Government Pleader
For 3 rd Respondent	:: Mr.U.Baranidharan Additional Government Pleader
For 4 th Respondent	:: Mr.C.Jayaprakash Government Advocate

ORDER



The Writ Petition has been filed by the petitioners seeking a declaration that they are eligible to be considered for appointment for the posts at S.No.9-15 which would include Junior Engineer, Technical Assistant, Draughtsman (Corporation), Draughtsman (Municipality), Overseer, Town Planning Inspector / Junior Engineer (Planning and Work Inspector under the PSTM quota pursuant to the recruitment notification No.01/DMA/Recruitment/2024 dated 02.02.2024 issued by the second respondent/ the Director of Municipal Administration, Directorate of Municipal Administration, Chennai.

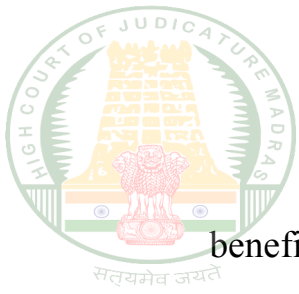
2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioners had studied in Tamil medium right from their 1st standard till completion of their graduation degree. They had completed their Diploma in Civil Engineering which is a two year course. They were qualified to apply for the aforementioned posts, namely, Junior Engineer to Civil Engineering posts. As stated, Junior Engineer / Technical Assistant / Draughtsman (Corporation) / Draughtsman (Municipality) / Overseer / Town Planning Inspector / Junior Engineer (Planning and Work Inspector consequent to the aforementioned recruitment notification issued by the



second respondent on 02.02.2024. Since they had studied under the medium Tamil, they also seek reservation under the category of Persons, who Studied under Tamil Medium (PSTM).

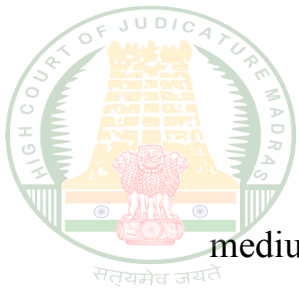
3. It is to be noted that the Government has set apart 20% reservation for those who have had studied their education in Tamil medium. But the respondents have provided guidelines for such education in Tamil medium and have stipulated that the medium of education should be in Tamil on and from the first standard of school education till the final education qualification which is required, in this case the Diploma course. The two writ petitioners had applied for the aforementioned posts.

4. The first petitioner had completed his Diploma in Civil Engineering in Vinayaka Mission's Kirupananda Variyar Sundara Swamigal Polytechnic at Salem between the years 1999-2001 and the second petitioner had also studied Diploma in Civil Engineering in the same Polytechnic College also in the same academic year 1999-2001. They both claimed that they had studied the course in Diploma through Tamil medium. Therefore, when they applied for the posts pursuant to the notification, they sought the



benefits of the reservation awarded for Persons, who Studied in Tamil medium/ PSTM. In this connection, they were able to upload certificates certifying that they had studied 1st to 12th standard in Tamil medium. However, when they tried to upload their qualification with respect to obtaining the Diploma qualification, they were not able to upload the specific certificate that they had studied the said course in Tamil. They contended that they did actually study the said course in Tamil medium. It is for that reason that they have filed their Writ Petition in the nature of a declaration seeking that this Court should declare that they had actually studied the Diploma course in Tamil medium and therefore, further declare that they are eligible for being considered under the 20% reservation for Persons who Studied in Tamil Medium.

5. It is fairly admitted by the learned counsel for the petitioner that they are not able to obtain certificates from the educational institution where they had studied Diploma that they had actually studied that particular course in Tamil. The learned counsel for the petitioner however widened the scope of arguments by pointing out the purport behind the Act 40/2010 which had been passed to help those candidates, who had studied in Tamil



medium. The learned counsel pointed out the preamble wherein it had been stated that students who study on Tamil Medium have lesser chances to compete with others in Government jobs in the Central Government or in other states and therefore the Government had granted special reservation for State Government employment. The learned counsel pointed out that when the object of the said Act is to encourage those who had studied in Tamil, and to also encourage others, who wanted to pursue their education in Tamil, denying them this particular opportunity when actually they apply for a job directly violates the spirit of the Act. The learned counsel pointed out that it is the stand of the respondents that Diploma Course are never conducted through Tamil medium. The learned counsel raised a question as to how anybody could avail reservation under PSTM if the basic qualification was Diploma which is never taught in Tamil and apply for any post under the Government.

6. As a matter of fact, this very argument found favour with a learned Single Judge of this Court when arguments were initially advanced, The learned Single Judge by an order dated 22.10.2024, appreciating this particular stand had directed as follows:-



WEB COPY

“11.The Commissioner of Technical Education shall file an affidavit before this Court answering the following queries:

a) Whether any of the diploma courses mentioned in Serial Nos.9 to 15 in the Notification was instructed in Tamil medium before the academic year 2022- 2023.

b) Pursuant to the Circular Memo dated 09.01.1985, why no steps were taken to bring in Tamil as the medium of instruction in diploma courses till the academic year 2022-2023.

c) Whether any instructions were given to the Technical Institutions pursuant to the Circular Memo dated 09.01.1985, to adopt Tamil as a medium of instruction to the students undergoing diploma course.

d) If no candidate is available under the PSTM category to fill up the posts mentioned in Serial Nos.9 to 15 in the Notification, who are the candidates who are going to be considered under the PSTM category for filling up those posts.

(e) If there are no candidates available to be considered



WEB COPY



under PSTM category for Serial Nos.9 to 15 in the Notification, will it not amount to violation of the mandate which prescribes that 20% must be reserved for PSTM category and which is also specified under the Notification.”

7. An affidavit in that regard had not been filed. It is obvious that the respondents do only lip service encouraging education in Tamil medium but disqualify everybody who seeks the benefit of reservation as a PSTM.

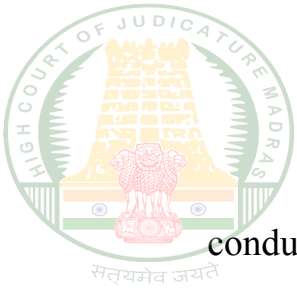
8. It had been clarified and a circular had been issued by the Director of Technical Education, Government of Tamilnadu that Diploma Courses were not conducted in Tamil medium before 2022 and it was only thereafter that Diploma Courses were taught in Tamil and those who joined the Diploma Course on and from 2022 could avail that particular reservation or could claim to have studied the Diploma Course in Tamil.

9. The circular which held the field earlier was circular Memo No.2100 dated 09.01.1985 issued by the Director of Technical Education, Madras, wherein the Principals of Polytechnics were request to ensure that the students were taught in English or in Tamil or by mixing both English



and Tamil, keeping in mind the easiness of the students to understand the subject matter. It was also stated that the students may be permitted to write the examinations and other class tests in English or Tamil or by mixing both English and Tamil at their convenience. This probably could be considered as a first step to introduce Tamil so far as Diploma Course is concerned.

10. But till 2022, though the course in Diploma could be taught in English and Tamil, the students were disqualified from seeking reservation under PSTM quota as it was contended that the course had not been conducted exclusively through Tamil. This is a pitiable state, as those who had studied their Diploma till the year 2022 can never avail of the opportunity of reservation under PSTM category though effectively they have been taught in Tamil and they would have expressed their ideas only in Tamil. The petitioners herein and many others stood ousted owing to the rigid stand also of the respondents that unless certificates certifying that the Course was conducted in Tamil are issued by the colleges, the candidates can never be categorised as have studied the course under the Tamil medium. The colleges can not issue such certificate in view of the circular of the Director of Technical Education that the Diploma Course were never



conducted through Tamil till 2022. Therefore, any college which issues a certificate that the courses in Diploma were conducted Tamil would run with the risk of falling foul of the Directorate of Technical Education. It is only the students who are affected. The respondents get publicity that they propagate Tamil, but reject poor students like the petitioners who underwent the Diploma Course in Tamil but have to suffer for ever and ever since a certificate could not be issued by the institution where they studied.

11. The condition of the petitioners was stated earlier to be pitiable. The reasons put by the respondents make me hold that the position of the present petitioners is deplorable. They have no helping hand to raise them though for all effective purposed, they had studied only through Tamil and would have understand the subjects in the Diploma Course only when explained in Tamil. It must be noted that they had studied in Tamil from their first standard till their 12th standard in Tamil. Unfortunately, they have been left high and dry by the respondents. They cannot avail of the opportunity granted for Persons, who Studied in Tamil Medium. The Director of Technical Education has contended that certificates cannot be issued that they were actually taught the Diploma Course in Tamil. This has



put a clap on the fifth respondent in this case from issuing such certificate, effectively preventing the petitioners from availing any Government job on the basis that they had studied their Diploma Course in Tamil.

12. The respondents have not taken any steps to examine the medium in which the students were taught in earlier years particularly after 2015-2016 since those students would be of the required age to apply for the posts advertised. The respondents have not called for any report from individual colleges whether the Diploma Courses were actually taught in Tamil. Such an exercise was not undertaken by the respondents. The respondents have taken a conscious decision to just betray the petitioners and other students like the petitioners without lending any help in hand to them. The learned counsel for the petitioners was naturally agitated over this issue, but reality has to be faced by these petitioners.

13. It is clear that the petitioners have not studied Diploma Course in Tamil though for all practical purposes, they would have understand the subject only when taught in Tamil and explained in Tamil.



14. On the side of the respondents, reference had been made to a Full

WEB COPY Bench Judgment of this Court in ***AIR 2019 Mad 307 [R.Boominathan Vs.***

Government of Tamil Nadu and Others], wherein it had been very categorically held as follows:-

“For the purpose of recognising a candidate, within the realm of selection to employment in government services, under PSTM category, a candidate should have studied in Tamil as medium of instruction. Therefore, in order to avail the benefit of reservation earmarked under PSTM category, a candidate has to furnish a certificate to the effect that he or she studied in Tamil as medium of instruction. Such certificate will be issued by the Head of the Institution/Registrar or Principal of the College, as has been contemplated under G.O. (Ms) No.145, Personnel and Administrative Reforms Department dated 30.09.2010, in the prescribed format, certifying that he or she studied the course in Tamil by indicating the duration (academic year) during which the candidate pursued the course. It is this certificate which will form the basis for recognising a candidate for having studied in Tamil medium of instruction so as to enable him or her to get the benefit of reservation under PSTM category. It is needless to mention that merely because a candidate writes the academic examination or competitive examination in Tamil, it will not recognise such



WEB COPY



candidate to get the <http://www.judis.nic.in> reservation under PSTM category. The requirement is that a Certificate issued by wp 27127 of 2018 the Head of the Institution/Registrar or Principal of the college, in the prescribed format, certifying that he was imparted with the course in Tamil as medium of instruction, has to be furnished, so as to enable a person to get the benefits of reservation under PSTM category. In the absence of such a certificate, a candidate cannot be regarded or recognised as a preferential candidate, who can avail the benefit of reservation under PSTM category. In other words, if such a certificate is not produced, he or she cannot be recognised as a candidate, who can be extended the benefit of reservation under PSTM category. Therefore, we hold that compliance of the requirements contemplated under G.O. (Ms) No.145 dated 30.09.2010 to furnish a certificate issued by the Head of the institution/Principal or Registrar of the College, in the prescribed format, is a mandatory requirement to get the benefit of concession and/or reservation earmarked by the State under PSTM category. We therefore answer the reference made to us as follows:-

(i) A person who studied the Course in Tamil or had written the University or Competitive examination in Tamil will not ipso facto recognise or qualify him or her to claim reservation under Persons Studied in Tamil Medium (PSTM) category



WEB COPY



(ii) Even though a person opted for Tamil as Medium of Instructions in the Colleges or studied the Courses in Tamil or written examinations in Tamil, in the absence of a certificate issued by the Registrar/Principal or Head of the Institution in the prescribed format stating that he or she pursued the education in Tamil as Medium of Instruction throughout, he or she cannot be placed on par with PSTM Candidates for the purpose of claiming reservation under the preference quota

(iii) Tamil, as Medium of Instruction, is not in vogue in certain colleges, or rather to say, Law Degrees are not imparted in Tamil as a Medium of Instructions.”

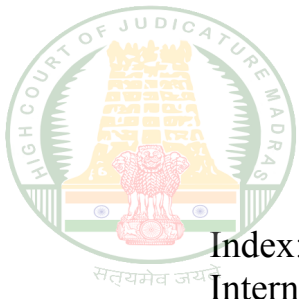
15. Though that Judgment was with reference to Law Colleges, the principle is applicable to the present case. I am not able to accede the request sought by the petitioners herein.

16. The Writ Petition stands dismissed. Consequently, connected W.M.P.No. 33660 of 2024 stands allowed and W.M.P.No. 33661 of 2024 stands closed. No order as to costs.

13.03.2025

vsg

(1/3)



Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The Secretary to Government
The State of Tamilnadu
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 600009.
2. The Director of Municipal Administration
Directorate of Municipal Administration
No.75, Santhome High Road,
Chennai – 600 028.
3. The Director
Entrance Examination Centre
Anna University
Sardar Patel Road
Chennai – 600 025.
4. The Director of Technical Education
53, Sardar Patel Road, Guindy
Chennai – 6000 025.

C.V.KARTHIKEYAN, J.,

vsg



WEB COPY



16

W.P.No. 31038 of 2024
And
W.M.P.Nos. 33660 & 33661 of 2024

13.03.2025
(1/3)