



W.P.(MD)No.1815 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.1815 of 2025
and WMP(MD).Nos.1310 & 1311 of 2025**

M.Kalaiyarasi

... Petitioner

Vs.

1.The State of Tamil Nadu
Represented by the Secretary
Tamil Nadu Public Service Commission
TNPSC Road, Park Town
Chennai 600 003

2.The Controller of the Examination
Tamil Nadu Public Service Commission
TNPSC Road
Park Town
Chennai 600 003

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent dated 09.04.2024, quash the same and consequently direct the respondents to consider the petitioner under PSTM category for the next stage of selection to the posts mentioned in Notification No. 3/2022 dated 23.02.2022.



WEB COPY



W.P.(MD)No.1815 of 2025

For Petitioner : M/s.D.Geetha

For Respondents :Mr.V.Panneerselvam
Standing Counsel

ORDER

The present writ petition has been filed an aspirant to the post of Grade -IIA services pursuant to the Notification No.3/2022 dated 23.02.2022 challenging the order dated 09.04.2024 wherein the petitioner's candidature was rejected after on-line certificate verification.

2.The petitioner herein had studied up to VIII standard through regular School. The petitioner had undergone S.S.L.C and Higher Secondary course through private study. The petitioner had acquired B.LITT (Tamil) from Alagappa University. Based upon the above said qualifications, the petitioner has applied pursuant to the above said notification.

3.The petitioner has cleared preliminary examination as well as main examination and she was called for on-line certificate verification. During the online certificate verification, the respondents had entertained a doubt with regard to PSTM candidature of the writ petitioner and has proceeded to reject the same. Challenging the same, the present writ petition has been filed.



W.P.(MD)No.1815 of 2025

WEB COPY

4.A perusal of the records reveal that the petitioner has enclosed PSTM certificate in the prescribed format for studying in Tamil medium up to VIII standard. The petitioner has studied S.S.L.C and Higher Secondary Course through private study and has obtained certificate from the Member Secretary of State School Examination Committee who have issued S.S.L.C and Higher Secondary course marks statements to the effect that she had undergone the said courses in Tamil medium.

5.According to the learned counsel for the writ petitioner, the petitioner having acquired B.LITT (Tamil), there cannot be any doubt, such a course is only under Tamil medium. The learned counsel had further contended that the similarly placed candidates who had undergone private study have challenged their respective rejection orders in various writ petitions before this Court and this Court has allowed those writ petitions and directed the authorities to consider them under PSTM quota. The learned counsel had relied upon the judgment of this Court in ***WA(MD).No.2468 of 2024 (Tamil Nadu Public Service Commission and another Vs. C.Kuttithai) dated 03.12.2024; W.P.Nos.4129 and 22818 of 2022 (L.Logarajan Vs. The Chief Secretary, Government of Tamil Nadu and others) dated 11.03.2024; WP(MD).Nos.10518 & 10519 of 2024***



W.P.(MD)No.1815 of 2025

(*R.Saravanan Vs. State of Tamil Nadu and others*) dated 29.04.2024; WP(MD).Nos.10330 of 2024 (*S.Deepa Vs. The Secretary, Tamil Nadu Public Service Commission and others*) dated 29.04.2024 and W.A.No.2164 of 2024 (*Tamil Nadu Public Service Commission Vs. C.Dineshkumar*) dated 29.10.2024 and contended that in all these cases, the Courts were pleased to set aside the order passed by TNPSC and directed them to consider the candidature of the petitioners under PSTM quota.

6.The learned counsel had further relied upon the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.1943 of 2022 (LT.Col.Suprita Chandel Vs. Union of India and others)* dated 09.12.2024** and contended that when a particular order of the Court is not in personam, then, even if the similarly placed candidates have not approached the Court, the said benefit should be extended by the authority concerned to other similarly placed person and the authority cannot expect each one of the candidates to approach the Court.

7.Per contra, the learned Standing Counsel appearing for the respondents herein had contended that the petitioner has not enclosed PSTM certificate for S.S.L.C and Higher Secondary course in the prescribed format. That apart, the petitioner has not produced the said certificate for Under Graduate Degree. In



W.P.(MD)No.1815 of 2025

such circumstances, the candidature of the writ petitioner has to be necessarily rejected as per the instruction issued to the candidate which has got a statutory force. He had further contended that as against the order passed by the Hon'ble Division Bench in ***W.A.No.2164 of 2024 (Tamil Nadu Public Service Commission Vs. C.Dineshkumar) dated 29.10.2024***, TNPSC had already taken steps to approach the Hon'ble Supreme Court. He had further contended that counselling for the above said post was held on 15.05.2024 to 20.06.2024 and all the vacancies have already been filled up. The petitioner having approached this Court belatedly, cannot get the benefits of the other petitioners who had approached this Court in time. Hence, he prayed for sustaining the order of rejection passed by the respondent Commission.

8.I have considered the submissions made on either side and perused the material records.

9.As far as the candidates who had passed SSLC and Higher Secondary course through private study are concerned, they will not be in a position to get PSTM certificate from the concerned School. Two Hon'ble Division Bench of our High Court in WA(MD).No.2468 of 2024 and W.A.No.2164 of 2024 have categorically held that the certificate issued by the authorities who have



W.P.(MD)No.1815 of 2025

WEB COPY

conducted the said examination should be relied upon and they should be treated as PSTM candidate. Therefore, the said order is not only applicable to the petitioners therein, the benefit of the said order should have been extended to all the candidates who had appeared privately and who had produced his certificate from the authorities concerned. Therefore, TNPSC cannot contend that the benefits can be extended only to the candidates who have approached the Court.

10.As far as Undergraduate Degree of the petitioner is concerned, the petitioner has passed B.LITT (Tamil). It would be superfluous to contend that a candidate should be directed to get a certificate that she had acquired B.LITT (Tamil) through Tamil medium. In such circumstances, such a contention raised by the Commission is not legally sustainable.

11.As far as the issue relating to the delay is concerned, the learned counsel for the petitioner has submitted that the petitioner was under the fond hope that TNPSC would implement the orders in favour of similarly placed candidates. When TNPSC has not implemented the orders in favour of similarly placed persons, the petitioner was forced to approach this Court. The authorities cannot contend that there was a delay on the part of the petitioner. In various writ petitions, the learned Single Judges as well as Two Division Benches have passed



W.P.(MD)No.1815 of 2025

WEB COPY

orders holding that the certificate issued to the exam conducting body of the private candidates, has to be treated as a PSTM certificate. In such circumstances, the completion of counselling or the appointment orders issued to other candidates cannot be a legal impediment to consider the request of the petitioner under PSTM quota.

12. In view of the above said deliberations, the order impugned in the writ petition is set aside and the respondents are directed to consider the candidature of the petitioner under PSTM quota and pass orders in accordance with law, if she is within the zone of consideration. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

13. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

27.01.2025

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa



WEB COPY



W.P.(MD)No.1815 of 2025

To

1.The Secretary
State of Tamil Nadu
Tamil Nadu Public Service Commission
TNPSC Road, Park Town
Chennai 600 003

2.The Controller of the Examination
Tamil Nadu Public Service Commission
TNPSC Road
Park Town
Chennai 600 003



WEB COPY



W.P.(MD)No.1815 of 2025

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.1815 of 2025
and WMP(MD).Nos.1310 & 1311 of 2025

27.01.2025