



W.A(MD) No.1743 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.08.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

C.M.P.(MD)No.13331 of 2024

1.Tamil Nadu Public Service Commission,
Represented by its Chairman,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai-600 003.

2.Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai-600 003.

... Appellants / Respondents 2 & 3

Vs.

1.R.Saravanan

... 1st Respondent / Writ Petitioner

2.State of Tamil Nadu,
Represented by its Secretary,
Human Resources Management (S) Department,
Secretariat, Chennai-9.

... 2nd Respondent / 1st Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order in W.P.(MD)No.10518 of 2024, dated 29.04.2024 and allow the present writ appeal.

For Appellant : Mr.V.Panneer Selvam

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate
for R2

: Mr.G.Sakthi Rao
for R1

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner participated in the recruitment process conducted by the appellant / TNPSC for Group-IIA post in the year 2022. The appellant wanted to be considered as PSTM candidate. The appellant admittedly had studied in a regular stream only upto 10th standard. He passed 12th standard as a private candidate. However, he wrote the 12th examination only in Tamil. The only question that calls



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for consideration is whether such a person can be considered as PSTM candidate. Since TNPSC declined to treat the writ petitioner as PSTM candidate, he filed W.P.(MD)No.10518 of 2024. The learned single Judge on 29.04.2022 disposed of the writ petitions in the following terms:-

“14. The only restriction that has been placed under paragraph No.4 (iii) in Government order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 is that those persons who had done their 10th Standard privately without going to Standards I to IX cannot be permitted to furnish certificate to claim PSTM benefit. But in the instant case, the petitioners have studied upto Tamil medium by being a regular student in a regular stream and for which, they had already produced the certificates issued by the concerned school authorities. They wrote only the 12th Standard examination privately and for which they happened to get the certificate from the Deputy Directorate of Government Examinations. The above terms in Paragraph No.4 (iii) of the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 does not speak about anything to exclude those persons who had finished X Standard through regular mode, but opted to write 12th Standard in Tamil medium privately.

15. It has already been held that against those persons who studied in Tamil Medium upto 10th Standard and wrote XII standard privately, no impractical presumption be taken that they have studied 12th Standard by having English as medium of instruction but had



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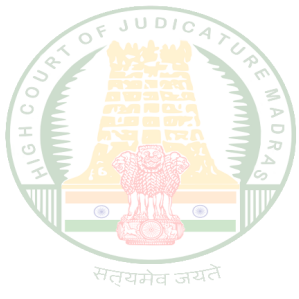


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chosen to write the examination alone in Tamil. Only for this reasons, PSTM benefit was given to persons, who have come to this Court for seeking the validity of the certificate obtained from the Deputy Directorate of Government Examinations for XII standard. Hence, there cannot be any difficulty to extend the said benefit to the petitioners also in terms of the earlier order made in W.P.(MD).No. 9883 of 2024, dated 23.04.2024.

16. Paragraph No.13-B (vi) of the notification dated 23.02.2022 which has its base on the Government Order in G.O. (Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021, cannot be presented to be conveying a different meaning than what it says. Since the Government Order speaks about the enrollment in schools for Standard I to IX and X standard through private mode and does not make any reference about standard XI and XII, it has to be read down in tune with Paragraph No.4 (iii) of the Government order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021. However, these writ petitions do not deal with the acceptance of Standard XII qualification obtained by the candidates by writing the examination through private mode. So, I feel it is sufficient to read down the Paragraph No.4 (iii) of the Government Order in G.O.(Ms).No.82, Human Resources Management (S) Department, dated 16.08.2021 along with Paragraph No.13-B (vi) of the notification dated 23.02.2022.

17. In view of the reasons stated above, these Writ Petitions are disposed of, by holding that the impugned Clauses 13(B)(vi) and 14(R)(iv) & (vi) in the Notification and Instructions to Candidates respectively shall be read harmoniously with Paragraph No.4 (iii) of the Government Order in G.O.(Ms).No.82, Human Resources



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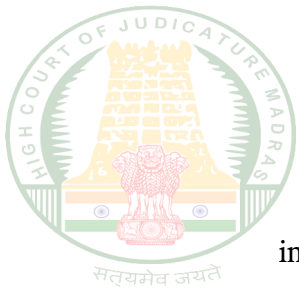
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Management (S) Department, dated 16.08.2021 as how it is read down above and consequently, the third respondent is directed to permit the petitioners for certificate verification on par with other eligible candidates of the same category and proceed to the next level of selection.”

Aggrieved by the same, TNPSC has filed this writ appeal.

3. Our attention is drawn to the order dated 29.10.2024 made in W.A.No.2164 of 2024 (Tamil Nadu Public Service Commission Vs. C.Dinesh Kumar). The Hon'ble Division Bench dismissed the appeal filed by TNPSC in the following terms:-

“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



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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 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.”



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4. We are in full agreement with the reasons assigned by the Coordinate Division Bench. In the said case, the concerned candidate had studied 11th and 12th in a regular stream, but 10th standard privately. In the case on hand, the writ petitioner studied upto 10th standard in a regular stream and passed 12th standard privately. In all other respects, the factual matrix is similar.

5. Respectfully applying the approach adopted in that case, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
08.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

The Secretary,
Human Resources Management (S) Department,
Secretariat, Chennai-9.

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