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WP No. 30898 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 17-04-2026

Pronounced on : 21-04-2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No. 30898 of 2019

S.Amudha

Petitioner

Vs

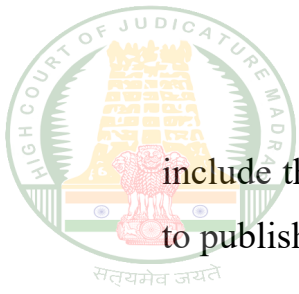
1. The Principal Secretary,
School Education Department,
Government of Tamilnadu,
Secretariat, Chennai 600 009.

2.The Chairman,
Teachers Recruitment Board,
College Road, Near Sankara Nethralaya,
Subba Road Avenue,
Nungambakkam, Chennai,
Tamil Nadu 600 006.

3.The Director of School Education,
17, College Road, Thousand Lights West,
Thousand Lights, Subba Road Avenue,
Nungambakkam, Chennai,
Tamil Nadu 600 008.

Respondents

PRAYER This Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the record relating to impugned Revised Provisional Selection List dated 09.09.2019 of the 2nd respondent, quash the same and consequently to direct the 2nd respondent to



include the name of the petitioner in the Revised Provisional Selection List and to publish fresh Revised Provisional Selection List.

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For Petitioner: Mr.S.T.Varadarajalu

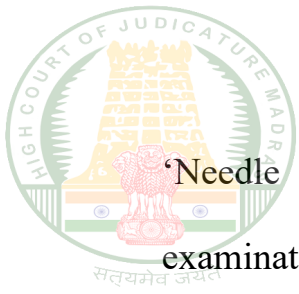
For Respondents: Mrs.P.Raja Rajeswari,
Government Advocate
For R1 and R3
Mr.C.Kathiravan,
Standing Counsel for R2

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the respondents 1 and 3 and the learned Standing Counsel appearing on behalf of the 2nd respondent and perused the record.

2. The petitioner by the present writ petition has assailed the action of the 2nd respondent in issuing Revised Provisional Selection List dated 09.09.2019 excluding her name for being appointed to the post of Teacher in sewing.

3. The petitioner contends that she has completed her 10th Standard in the public examination held in the months of March 1989 and October 1989; that thereafter she has completed one year Tailoring Teacher Course in the year 1996 under the Control of District Social Welfare Officer, Chengalpet District at Kancheepuram; that she had qualified and possess Higher Grade Certificate in



‘Needle work and Dress making’ and ‘Embroidery’; that the technical examination for Higher Grade Certificate was conducted by the Department of Government Examination of Tamilnadu State; and that she had secured second and first place respectively in the said technical examination held in November, 1996.

4. It is the further case of the petitioner that based on her qualification of having completed Tailoring Teacher Course and also having qualified in the ‘Needle work and Dress making’ and ‘embroidery’, she was given part time employment in Thirukatchur Government High School, Kanchipuram District and is regularly employed as part time Teacher in Sewing.

5. The petitioner contends that while she was working as part time teacher in Sewing, the 2nd respondent invited application to fill up the posts of Special Teachers of Physical Education, Drawing, Music, Sewing vide Notification No.05 of 2017, dated 26.07.2017; and that pursuant to the aforesaid notification, she had applied for the post of Sewing Teacher by submitting her application online.

6. It is the further case of the petitioner that pursuant to the aforesaid application made by her, she was called for examination and in the examination held by the 2nd respondent, she had secured 53 marks; that she was given 5



marks as weightage mark for her Employment Exchange seniority, and that she has secured total 58 marks.

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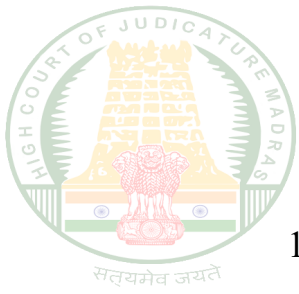
7. The petitioner further contended that while submitting her application online, she had claimed herself to be considered under Scheduled Caste – Women – Tamil (SC W T) category; that after getting qualified in the written examination, the 2nd respondent had called for Certificate Verification on 13.08.2018; that after verifying her Certificates and the Medium of instruction in the 10th Standard as well as her Technical Teacher Certificate (Tailoring) which course she had undergone during the period from 29.05.2002 to 14.08.2002 being in Tamil medium, the 2nd respondent published Tentative Provisional Selection List on 13.08.2019 wherein her name was included in Serial No.215; that the 2nd respondent while publishing Tentative Provisional List, did not mention her name in the column relating to Tamil medium; that while the petitioner was waiting for declaration of selection list, the 2nd respondent published Revised Provisional Selection List, on 09.09.2019 wherein her name had been omitted; and that a candidate in Serial No.195, who secured only 55 marks, was shown as selected in SC W T category, and she was excluded from Selection even through she had secured higher marks i.e., 58 marks, than the selected candidate.



8. The petitioner further contended that on the 2nd respondent publishing the Revised Provisional Selection List, dated 09.09.2019, she had sent a representation enclosing all Educational Certificates and also certificate showing she had studied in Tamil Medium in order to be considered as eligible under Persons Studied in Tamil Medium (PSTM); and that the 2nd respondent inspite of receiving the same, did not choose to give any reply nor consider her representation for providing her an opportunity to get employment under the vacancy reserved for SC W T by considering her as PSTM candidate having pursued her Education in Tamil Medium; and that the action of the 2nd respondent in excluding her from being considered in the Selection process, is illegal.

9. Counter affidavit on behalf of the 2nd respondent is filed.

10. The 2nd respondent while not denying the factual aspect of issuance of notification No.05 of 2017; that the petitioner having applied for the post of Special Teacher in Sewing pursuant to the said Notification; that the petitioner taking part in the written examination held on 23.09.2017 wherein she had secured 58 marks, however claimed that as per G.O.Ms.No.145 (P & AR) Department, dated 30.09.2010 and its subsequent amendments, the qualification prescribed for being considered under PSTM category for the recruitment of Special Teacher are as follows:



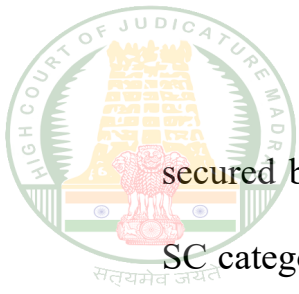
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1. SSLC Tamil Medium Certificate
2. Higher Secondary to be obtained from Head
3. Higher Grade or Equivalent of Institution
4. TTC

11. The 2nd respondent further contended that the petitioner as against the prescribed qualification of requiring to produce Tamil Medium Certificate obtained from Head of Institution as mentioned above, had submitted PSTM Certificates of she having studied in Tamil medium only in respect of three qualifications viz., SSLC, HSC and TTC; and that the petitioner failed to produce Tamil Medium Certificate for her Higher Grade certificate in Embroidery and as such her application was not considered under PSTM Category.

12. It is also contended by the 2nd respondent that the minimum eligible cut of marks as per the Revised Provisional List published on 09.09.2019 under the General Turn – Women – Tamil medium (GT W T) and SC Category are between 64 to 57 and for SC W T being 59 marks.

13. It is the further case of the 2nd respondent that though the petitioner had secured 58 marks under SC category and even though the said marks

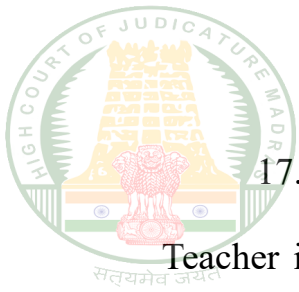


secured by the petitioner are within the minimum eligible cut off marks under SC category, as her date of birth is 05.06.1973 and being junior in terms of age, within the selected list of candidates, a candidate who secured 58 marks under SC category and whose date of birth 25.07.1970, was selected under SC category being senior in age and the petitioner was not considered as she being junior to the candidate selected under SC category.

14. The 2nd respondent also contended that the candidature of the petitioner under SC W T was not considered as the petitioner failed to produce the Tamil Medium Certificate of her obtaining Higher Grade certificate in 'Embroidery' and 'Needle Work and Dress making'; that the Direct Recruitment for the post of Special Teacher (Physical Education, Drawing, Music, Sewing) had attained finality as per the provisional list dated 20.03.2025; and as such the petitioner cannot be appointed against the already completed selection process. Contending as above, the 2nd respondent seek for dismissal of Writ Petition.

15. No counter affidavit has been filed on behalf of the Respondents 1 and 3.

16. I have taken note of the respective submissions.



17. Insofar as the application of the petitioner to the post of Special Teacher in 'Sewing' is concerned, Sub-Clause (iv) of Clause (b) of Condition No.3 of the Notification deals with horizontal reservation for PSTM and the same reads as under:

"3. Reservations:

a).....

b) Horizontal Reservation:

.....

*iv) **Reservation for Persons Studied in Tamil Medium (PSTM):***

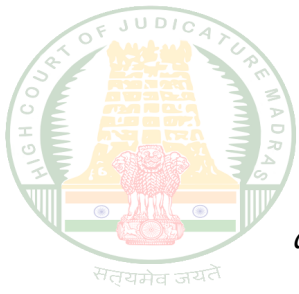
For the direct recruitment of Special Teachers 20% horizontal reservation on preferential basis for persons who studied their prescribed qualifications in Tamil Medium will be followed as per existing Government Orders. This reservation is subject to the availability of suitable eligible candidates. In the event of non-availability of such candidates the posts reserved for PSTM candidates will be filled by General candidates."

18. Condition No.4 of the notification deals with 'qualification', and Sub-Clause (b) deals with Educational Qualifications for each of the post in table Form and Educational Qualification for the post of Sewing Teacher is found at fourth place in the table. The qualification in the table contains two parts:

i. *General Educational qualification "SSLC";*

ii. *Technical qualification*

*a A Certificate in Needle Work and Dress making (Higher Grade)
and Embroidery (Higher Grade)*



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or

a....

or

b.

and

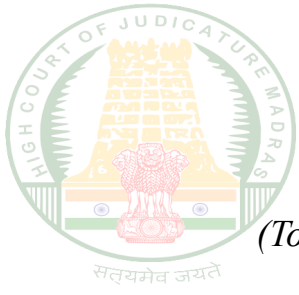
Technical Teachers Certificate

19. Condition No.9 of the Notification deals with production of Certificates and Sub Class (c) deals with Tamil Medium Study Certificate, and a candidate claiming reservation under PSTM category is required to produce the PSTM Certificate in the format annexed to the notification as as Annexure II. Annexure II as appended to the notification reads thus:

Annexure II

Tamil Medium: *Persons Studied in Tamil Medium (PSTM) have to produce evidence, such as Transfer Certificate, Provisional Certificate / Degree certificate / mark sheets received from the University or from the Institution, with a recording that he / she studied the prescribed educational Qualification in Tamil Medium. If no evidence for 'Persons studied in Tamil Medium' is found in the above certificates, then a certificate from the Head of the Institution as given below must be furnished:-*

(underlining Supplied by Court)



PSTM Certificate (Model Format)

(To be issued only by the Head of Institution / Registrar / Principal)

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This is to certify that Thiru/Tmt/Selvi. has studied in subject during the years to in Tamil Medium. This certificate is issued after verifying the course content / Statement of Marks / Transfer Certificate.

*Registrar / Principal / Head
of the Institutions*

Place :

Date :

20. A reading of the qualification prescribed to apply as mentioned in condition No. 4 of the notification along with the contents of the Annexure II forming part of the notification, would show that in order to be eligible to claim reservation under PSTM category, the candidate is required to possess the prescribed educational qualification in Tamil Medium. The prescribed Educational qualification for the post of Special Teacher (Sewing) as per Condition 4 (b) being SSLC, the other qualification specified being technical qualification and not educational qualification, the 2nd respondent cannot claim of petitioner failing to produce her medium of instruction for obtaining Higher Grade Certificate in 'Tamil'.



21. Further, the Court should not lose sight of the fact that the courses like Sewing, Music are all vocational and skill based courses and there cannot be a medium of instruction unlike subjects like typewriting.

22. Admittedly the petitioner had studied in Tamil Medium for her SSLC being the prescribed Educational qualification and also Technical Teachers Certificate. Thus, the petitioner not only possess Certificate of Educational Qualification in 'Tamil Medium' which in the considered view of this Court makes the petitioner eligible for being considered under the horizontal reservation category of PSTM.

23. The aforesaid conclusion arrived at by this Court is also fortified by the fact that the technical qualification required for the post like 'Sewing' or 'Music' cannot be tested on the basis of language for eg. Carnatic classical music to be taught would be same everywhere. Similarly, 'Needle Work, ' cannot be identified as to whether the sewing is being done in Tamil or other languages or the 'embroidery work' can speak for itself.

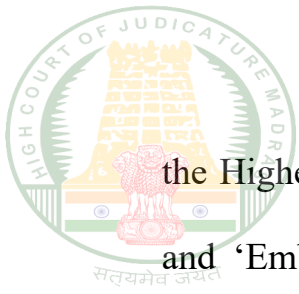
24. Another aspect which also needs consideration in this regard is that the specification is in relation to educational qualification and not in relation to technical qualification. The same is evident from 2nd respondent own documents filed into this Court in the form of interview letter dated 27.07.2018 as issued to



the petitioner. The 2nd respondent by the said interview letter in Clause 2 required original certificates along with two photocopies attested by a gazetted officer to be brought and clause (viii) specifies that “candidate seeking PSTM priority should enclose a certificate issued by Principal of Educational Institutions as noted in Annexure II. Thus, the Emphasis for claiming the benefit of Horizontal Reservation under PSTM category is with reference to ‘Educational Qualification’ and not vocational or skill based qualification.

25. Therefore, the claim of the respondents by the counter affidavit that though the petitioner had submitted PSTM Certificate for SSLC, Higher Secondary and TTC (which find mention in Interview letter dated 27.07.2018), had failed to produce Tamil Medium Certificate of her higher Grade in ‘Needle work and Dress making’ and ‘Embroidery’ and as such she is not eligible for being considered under SC W T category, is devoid of merits and liable to be rejected.

26. Further, the 2nd respondent being the recruiting agency should be aware as to vocational and skill based exams are held in any other language at the relevant point of time, and if not aware ought to have obtained or sought for clarification from the Department of Government Examination. Even the respondents 1 and 3 have not placed any material before this Court to show that

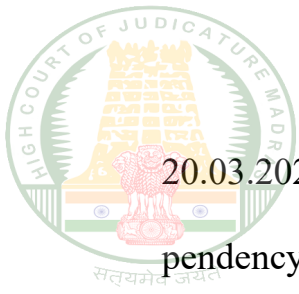


the Higher Grade Certificate examination for 'Needle work and Dress making' and 'Embroidery' was conducted by the Government in any other language

other than Tamil in the year 1996 where the petitioner had appeared and passed in the said examination, thus making her eligible for being considered under horizontal reservation. Hence, the said contention of the 2nd respondent for this reason also liable to be rejected and accordingly, I do so.

27. This Court having regard to the nature of writ sought for being 'Certiorarified Mandamus' and Certiorari Part being in relation to call for the record of selection, on 15.04.2026, directed the 2nd respondent to produce before the Court the record relating to the selected candidate as to how the technical Qualification Certificate is considered. However, the 2nd respondent failed to produce the same, before the Court on 17.04.2026. Instead, learned counsel sought to justify the action of the 2nd respondent in absence of record. Thus, this Court is constrained to draw adverse inference against the statement made by the 2nd respondent to this Court of 'Needle Work and Dress making' and 'Embroidery' course having been taught and Exam held other than in Tamil language.

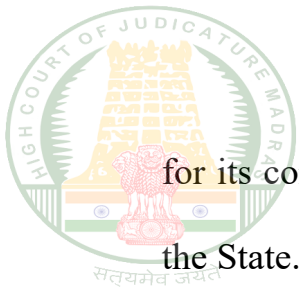
28. Insofar as the claim of the 2nd respondent that recruitment having attained finality by way of publication of Revised Provisional List on



20.03.2025 is concerned, since the said publication has been made during the pendency of the present writ petition, the same cannot be considered as the selection process being completed, atleast insofar as the claim of the petitioner is concerned, moreso, firstly going by the 2nd respondent statement itself, if the selection process initiated in the year 2017 is stated to have attained finality after 8 years of its initiation, it reflects the manner in which the selection process is being undertaken and completed. Secondly, even the latest list being termed Revised Provisional Selection list and not being a final list.

29. Further, the mere claim of 2nd respondent of recruitment having attained finality, cannot deprive an eligible candidate from being provided with employment due to lapses or irregularity committed by the respondents like the 2nd respondent in Selection process as in the present case. Thus, the aforesaid contention urged on behalf of the 2nd respondent is rejected.

30. It is further to be noted that the 2nd respondent which is specifically set – up to conduct the Selection to the post of Teachers, instead of undertaking Selection in a fair and transparent manner, had conducted itself in a manner leading to each of its Selection Process being challenged before this Court by one or the other and also the delay in completing the Selection Process, as is in the present case also which had commenced in the year 2017, and being claimed as attained finality in 2025, raises a question mark as to its competency and also



for its continuance, which is only adding to agony of the unemployed Youth of the State.

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31. Accordingly, the Writ Petition is allowed. Impugned proceedings dated 09.09.2019 and also subsequent Provisional selection list dated 20.03.2025 are set aside and the 2nd respondent is directed to place the petitioner in appropriate place under SC – W – T horizontal reservation category by considering the marks secured by her and issue her with appointment order. No costs.

21-04-2026

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Principal Secretary,
School Education Department,
Government of Tamilnadu, Secretariat,
Chennai 600 009.

2. The Chairman,
Teachers Recruitment Board, College
Road, Near Sankara Nethralaya, Subba
Road Avenue, Nungambakkam,
Chennai, Tamil Nadu 600 006.

3. The Director of School Education,
17, College Road, Thousand Lights
West, Thousand Lights, Subba Road
Avenue, Nungambakkam, Chennai,
Tamil Nadu 600 008



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T.VINOD KUMAR J.

vum

Pre-Delivery Order made in

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21.04.2026