

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.11.2025

PRONOUNCED ON : 05.06.2026

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CORAM:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cont.P(MD)No.918 of 2021

G.Sakthi Rao

: Petitioner

Vs.

- 1.Mrs.Uma Maheshwari IAS.,
Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai.
- 2.The Director of Vigilance & Anti Corruption,
No.293, MKN Road,
Alandur,
Chennai.
- 3.The Registrar,
Madurai Kamaraj University,
Madurai.



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4.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat,
Chennai.

5.The Registrar,
Annamalai University,
Annamalainagar,
Chidambaram – 608 002.

6.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli – 627 012.

7.The Registrar,
Periyar University,
Salem – 636 011.

8.The Registrar,
Madras University,
Chennai – 600 005.

: Respondents

[R.2 *suo-motu* impleaded vide order dated 26.07.2022]

[R.3 *suo-motu* impleaded vide order dated 25.08.2022]

[R.4 *suo-motu* impleaded vide order dated 04.09.2024]

[R.5 to R.8 *suo-motu* impleaded vide order dated 21.10.2024]

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for wilful disobedience and



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violating the orders of this Court in WP(MD)No.8025 of 2020, dated

22.03.2021.

For Petitioner : Mr.G.Sakthi Rao
Party-in-person

For Respondents: Mr.Isaac Mohanlal,
Senior Counsel
for Mr.J.Anandhakumar
for R.1

Mr.T.Senthilkumar,
Additional Public Prosecutor for R.2

Mr.K.Ragatheeshkumar for R.3, R.7

Mr.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.N.Ramesh Arumugam for R.4

Mr.Mohammed Imran,
for M/s.Ajmal Associates
for R.5, R.6

ORDER

Reservation is a policy tool adopted by the State to ensure substantive equality by providing preferential opportunities in education and public employment to historically disadvantaged and underrepresented sections



of society. Within this broader framework, the Tamil Nadu Appointment

on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (hereafter referred to as “PSTM Act”) was introduced to promote and protect the interests of students who pursued their education in Tamil medium.

2.The PSTM Act was introduced with the object of remedying the disadvantage faced by persons educated in Tamil medium in securing employment, particularly Government services, and the private sector, by extending a measure of preference in appointments under the State. This preference was provided by way of 20% reservation for persons who have completed their education in Tamil medium in all appointments to State services made through direct recruitment. It aimed to create adequate employment opportunities for such candidates so as to sustain and promote Tamil as a medium of instruction, and to foster an environment in which pursuing education in Tamil medium becomes a viable and meaningful choice to the people. By creating a level playing field, the Act seeks to preserve the linguistic and cultural identity of the state.

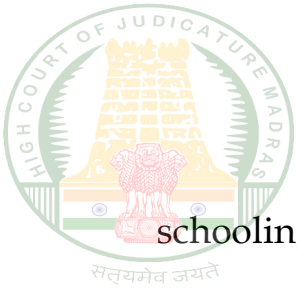


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3.However, the reservations provided under the PSTM Act has been misused depriving the rightful beneficiaries of its protection. Instead of providing a valuable opportunity to the candidates who have pursued their entire education in Tamil medium, the candidates who have not done their schooling in Tamil medium are getting reservation benefits under PSTM quota by obtaining only the prescribed degree qualification through Tamil medium. Such degrees were also obtained through distance education without any clarity on whether the candidates had actually studied the courses in Tamil medium. There are also serious allegations that the candidates are obtaining fake degree certificates in a fraudulent manner from various universities in order to avail the benefits of PSTM reservation.

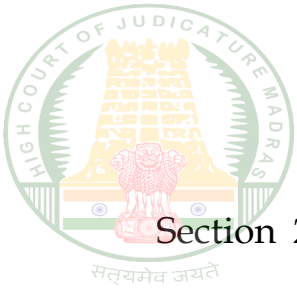
4.Challenging such malpractices, one G.Sakthi Rao filed WP(MD)No. 8025 of 2020 seeking to quash the recruitment made to various posts in the Combined Civil Service I Examination (Group I Services) – 2020 as per Notification No.01/2020 dated 20.01.2020 that candidates have been selected under PSTM quota even though they did not complete their entire



schooling and college education in Tamil medium. The writ petitioner also

sought directions to the Tamil Nadu Public Services Commission to allow only the candidates who have completed their entire education (i.e.) 10th std, 12th std and their degree through Tamil Medium to avail the Persons Studied in Tamil Medium reservation and also sought directions to the State to frame proper rules for PSTM quota. Further, the petitioner also sought directions to the respondent Universities to stop the issuance of PSTM certificates for distance education courses.

5.This Court vide its order dated 22.03.2021 held that in line with the legislative intent behind introducing the PSTM Act, persons studied in Tamil medium would only refer to those persons who have completed their entire education right from schooling (i.e.) from first standard up to SSLC and HSC and the prescribed qualification either Degree, Diploma or Post Graduation in Tamil Medium. This Court also took note of Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium (Amendment) Act, 2020 by which the definition of “persons studied in Tamil medium” was substituted under



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Section 2(d) and it was clarified that persons studied in Tamil Medium refers to those persons who have undertaken their entire education in Tamil medium. Therefore, this Court directed that only such candidates are entitled to avail the benefits of PSTM reservation and that the TNPSC should take steps to verify the certificates of the candidates availing PSTM quota.

6.This Court also took note of the pending Vigilance enquiry regarding the malpractices in the conduct of examinations, collection of fees, missing answer sheets and the issuance of fake certificates by the Madurai Kamaraj University and directed the Director of Vigilance and Anti Corruption to constitute a special team headed by a DSP Level Officer, to conduct the investigation on the irregularities in the conduct of examination and issuance of false certificates, including false PSTM Certificates at Madurai Kamaraj University and to conclude the investigation in a time bound manner. This Court has also directed the Vigilance Department to investigate the issue of such fake certificates in other universities as well.



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7.A Special Leave Petition was preferred as against the above judgment in SLP (Civil) Nos.3364 to 3367 of 2022 and the Hon'ble Supreme has dismissed the same, vide order dated 31.07.2023, by observing as under:

“9. On reasonable construction of the various provisions of the Act, it is discernible that it was intended to provide preferential appointment opportunities for those who have pursued their studies in Tamil medium entirely, i.e., from first standard up to the qualification prescribed. It was not intended to provide the benefit of preferential appointment only on the strength of pursuing the qualification curriculum in the Tamil medium.

10. When we look at the 2010 enactment in the above light, the amendment incorporated in the year 2020 has to be construed as nothing more than a clarificatory amendment of what was originally provided for in the 2010 Act. Some ambiguity remained in the interpretation of the term “persons studied in Tamil medium” as defined under Section 2(d). The amending Act of 2020 is only to ensure proper construction of Section 2(d) to achieve the objective of the Act so that only those who have pursued their education in Tamil medium, would be entitled to compete for 20% of the jobs in the State earmarked for them.

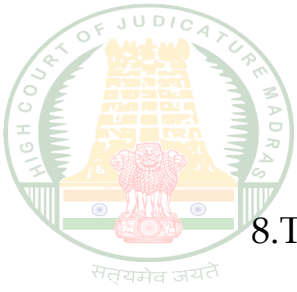


11. Unless such an interpretation is given to the relevant section in the Tamil Nadu Act No.40 of 2010 as amended in 2020, the Act would fail to fully achieve the legislative intent of the enactment.

12. The Amending Act by applying the rules of purposive interpretation, should be construed as an explanatory Act consistent with the objective of the Act No.40 of 2010. The impugned judgment of the High Court as can be noticed proceeds on this basis. Therefore, we see no infirmity with the view taken by the Division Bench in its declaration that the 20% reservation envisaged under the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (Act No. 40 of 2010) is available only to those who undertook their entire education only in the Tamil medium i.e., right from the first standard up to the prescribed qualification.

13. Having upheld the 22.03.2021 judgment of the High Court, the appellant is therefore ineligible to secure the benefit of 20% reservation under the Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010 (Act No. 40 of 2010), intended for those who have pursued their entire education only through Tamil medium.

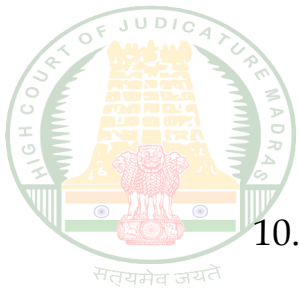
14. With the above, the appeals stand dismissed."



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8.This contempt application has been filed alleging that the directions of this Court in WP(MD) 8025 of 2020 have not been complied with by the respondents.

9.While dealing with this contempt petition, this Court has witnessed the manner in which spokes have been put by the stakeholders, in one way or the other, along every step of the investigation so that the truth behind the misuse of PSTM reservations and issuance of fake degree certificates does not come to light. This contempt petition was filed on 07.07.2021 and this Court has been constrained to pass as many as 17 orders so that the directions of this Court were complied with. Even though the order to conclude the investigation into the issue of fake degree certificates was issued as early as on 22.03.2021, the Vigilance Department expressed difficulty to conclude the investigation on account of non-cooperation from the university authorities. The universities which are statutory authorities meant to uphold the standards of higher education have dragged their feet in providing the documents required for the investigation being undertaken by the Vigilance Department.



10.The Deputy Superintendent of Police, Vigilance and Anti-Corruption Department has filed a status report dated 25.08.2022 stating that the enquiry on the issuance of fake degree certificates was pending due to non-availability of the required documents from the Madurai Kamaraj University. The relevant portions of the status report is extracted as under:

“25) I submit that as the enquiry on the issuance of PSTM and fake certificates issued by Madurai Kamaraj University is underway and the above said Detailed Enquiry is still going on, more number of documents are to be collected and the related witnesses are to be examined which would require more time than the time stipulated by this Hon'ble Court. In the said enquiry, candidates of other states such as Kerala, Andhra Pradesh and Maharashtra,etc. are also to be examined in whose names the fake certificates were issued. Therefore, this Hon'ble Court may be pleased to grant a further period of 6 months time. I further submit that seeking further time for completing the enquiry is neither wilful nor wanton nor disobedience to the orders passed by this Hon'ble Court, but, only, due to the bonafide reasons.

26) I humbly submit that the enquiry is pending due to the non availability of vital records of Madurai Kamaraj University and to examine various witnesses for fixing up the culprits who indulged in the issue of fake certificates.”



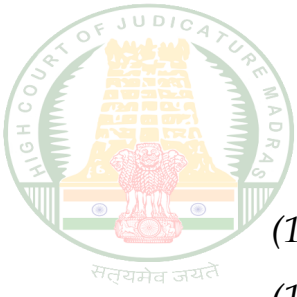
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11. Therefore, this Court by order dated 25.08.2022, impleaded the Registrar, Madurai Kamaraj University, Madurai, as a party to this contempt petition. Thereafter, things moved a little further. However, the Deputy Superintendent of Police, Vigilance and Anti-Corruption has filed another status report on 09.02.2023 stating that documents such as the registers, foil cards, answer sheets, applications and provisional certificates of various candidates were not provided by the Madurai Kamaraj University to the Vigilance Department.

12. Strangely, the Madurai Kamaraj University has taken a stand during the course of the contempt proceedings that the above documents such as the foil cards of the candidates which are required to be maintained permanently and are necessary for the vigilance investigation are missing from the university records. The Registrar of the Madurai Kamaraj University has filed a status report on 21.02.2023 which reads as under:

“17. I humbly submit that in so far as the 3 foil cards (LTAM-04, LENG- 02 and UHIS-06) of N.A. Chanheetha



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(14CT500100388) and 1 foil card (UHS-06) of T.Namasivayam (14AT500101076) is concerned, it is humbly submitted that the above said documents is not traceable despite out best efforts and the same was informed to the officials. Likewise, all the 10 documents demanded by the officials with regard to S.Swapna (12T4090187) is not traceable despite our best efforts. However, the University traced S.Swapna (12T4090187) and instructed her to send her consolidated Mark Statement, course completion certificate, Provisional Certificate and PSTM certificate to the University so as to submit to the officials. Accordingly, the above 4 documents were received by the university and the same was submitted to the officials vide letters dated 17.02.2023.

18. I respectfully submit that the 3 foil cards (LTAM-04, LENG-02 and UHS-06) of N.A.Chanheetha (14CT500100388), 1 foil card (UHS-06) of T.Namasivayam (14AT500101076) and all 18 subject foil cards, TMR issued Register, Provisional Certificate issued Register, Consolidated Mark Statement, Course Completion Certificate, Provisional Certificate and PSTM Certificate of S.Swapna (12T4090187) are not traceable despite our best efforts."

13.The blatant non-cooperation on the part of the Madurai Kamaraj University and its officials despite repeated requests from the Vigilance



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Department has prompted this Court to expand the scope of the investigation by way of order dated 23.06.2023 to examine the manner in which this University and its officials are functioning. Only after the stern orders of this Court, the Madurai Kamaraj University has extended its co-operation and finally, the investigation agency has found that fake PSTM certificates have indeed been issued to four candidates, by which, they have also got appointment to posts in Group-I service. The investigation has revealed that all these candidates claim to have enrolled in various courses at Madurai Kamaraj University through various study centres at the fag end of the academic year. It has also revealed irregularities in the registration process, discrepancies in the payment of their tuition and registration fees and that all the candidates have taken up all the papers during the final year and cleared the courses in a single go. Some of the candidates have also changed their stream and joined the courses against the prospectus of the University.

14.For verifying the candidates pertaining to Madurai Kamaraj University alone, the investigation agency took three long years. The



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Vigilance and Anti-Corruption Department has also registered a criminal case as against four candidates, who got appointment through invalid PSTM Certificates in Crime No.12 of 2024 and also some of the officials of the University.

15.The Vigilance Department also raised a suspicion that 22 candidates might have obtained fake PSTM certificates from Annamalai University, Manomaniyam Sudarnar University, Periyar University and Madras University. The Vigilance and Department has sent letters to these Universities on 21.12.2021 and 09.09.2024 requesting certain documents, viz., candidate's application; date of admission; hall tickets (for the appearance of examinations – year wise); name of the examination centre (3 years); admission confirmation slip; foil cards and answer sheets for all the subjects.

16.Since the Universities concerned did not furnish those required basic documents, this Court has also impleaded the Annamalai University, Manomaniyam Sudarnar University, Periyar University and Madras

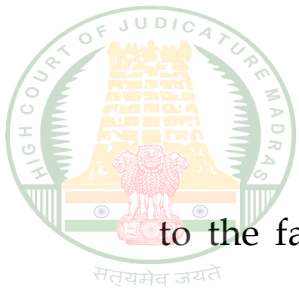


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University, represented by its respective Registrars as respondents to this contempt petition by its order dated 21.10.2024. Only after this Court cautioned that the non co-operation by the Universities in furnishing the required documents for the purpose of investigation would amount to causing evidence to disappear and screening the offenders from legal punishment and directed that criminal action can be taken for the same under Section 238 BNS, the respective Universities have provided the required documents to the investigation agency.

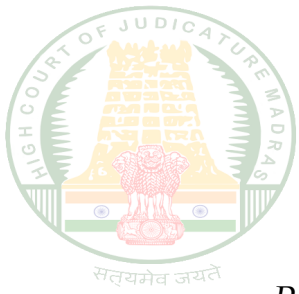
17.Only after constant prodding and monitoring of this Court by way of interim directions, the officials of the Universities have been considerate enough to provide some of the required details and the Vigilance Department has proceeded with the investigation.

18.Another manner in which the investigation into this issue has been delayed is by citing the requirement of sanction under Section 17A(1) of the Prevention of Corruption (Amendment Act) 2018 as against the proposed accused. The Vigilance Department, after completing enquiry with regard



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to the false certificates issued in Madurai Kamaraj University, sought to register a criminal case as against six officials. The Directorate of Vigilance and Anti-Corruption, by its report, dated 18.01.2024, requested the Tamil Nadu Vigilance Commission to forward the report to the Higher Education Department for consideration and for approval at the Government level for prosecuting those accused as required under Section 17A(1) of the Prevention of Corruption (Amendment Act) 2018. The Tamil Nadu Vigilance Commission, in turn, by its letter, dated 27.03.2024 requested the Higher Education Department for their approval for registering a Regular Case against those six persons. Since no decision for granting approval under Section 17A(1) was taken even after a period of 4 months, this Court impleaded the Secretary, Department of Higher Education, Government of Tamil Nadu as a party to this contempt petition by its order dated 04.09.2024. In response to the same, the Secretary, Higher Education Department has filed a status report on 09.09.2024 that prior approval of the competent authority under section 17A of the Prevention of Corruption Act is not required and the relevant portion of the status report is extracted as under:



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“5. It is humbly submitted that Section 17-A of the Prevention of Corruption Act, 1988, which provides that, no police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a Public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servants in discharge of his official functions. It is further submitted that AO-1 Selvi S.Swapna, AO-2 Tmt.N.A.Chanheetha, AO-3 Thiru K.C.Sathish Kumar and AO-4 Tmt.M.Kalaivani have obtained PSTM Certificates dishonestly and fraudulently from DDE, Madurai Kamaraj University and got appointment in TNPSC Group-I Combined Civil Services for the year 2016-2019, under the 20% Tamil Medium quota. It is also seen that all Accused Officers were in the Public Service during the commission of offence. However, the alleged offence is not relatable to any recommendation made or decision taken by the Accused Officers as public servants in discharge of his official functions or duties. Therefore, previous approval of the competent authority is not necessary to conduct enquiry or investigation of the offence alleged to have been committed by the Accused Officers under Section 17-A of the said Act. Accordingly, Directorate of Vigilance and Anti Corruption has been informed vide letter No.10540/H2/2020-2, dated 05.09.2024.”



WEB COPY 19. Section 17A(1) of the Prevention of Corruption (Amendment Act)

2018 clearly provides that prior approval is required from the competent authority only if the alleged offence is relatable to any recommendation made or decision taken by a public servant in discharge of the official functions or duties. The allegations as against the proposed accused is that they had obtained PSTM Certificates dishonestly and fraudulently from the Madurai Kamaraj University and got appointment in TNPSC Group-I Combined Civil Services for the year 2016-2019, under the 20% PSTM quota. Without even verifying as to whether the allegations relate to official functions or not, the Vigilance Department has sought prior approval from the Higher Education Department on 27.03.2024. Even assuming the same has been sought mistakenly, the Higher Education Department also has not bothered to respond to the same within the 4 month period as required under Section 17A(1). Only after this Court has impleaded the Secretary, Higher Education Department by its order dated 04.09.2024, the Higher Education Department has woken up and informed the Vigilance Department that sanction under Section 17A was not required as against



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the proposed accused on the very next day (i.e.) vide letter No.

10540/H2/2020-2, dated 05.09.2024. Hence, it can be seen that the investigation has been delayed for almost a year citing the unnecessary requirement of a sanction under Section 17A(1) of the Prevention of Corruption (Amendment Act) 2018.

20. We are of the opinion that the investigation into the issue of fake degree certificates was not conducted in a proper manner until the intervention of this Court and the Universities involved have also stalled the investigation by not providing the required documents. There is a clear case of contempt of the directions of this Court. However, since the investigation into the issue of fake degree certificates is still underway and the TNPSC has taken steps to cancel the provisional selection of the candidates who have joined the services by way of such fake degree certificates, this Court is not inclined to impose punishment on any of the officers involved. This contempt proceeding has provided a harsh realisation to this Court that money power and influence has spoiled every corner of our society and even the educational institutions have become



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rotten to their core. If this is the manner in which degrees are conferred and such fraud is openly practiced, then the faith of the common man in our system would completely collapse.

21.This Court has done all it can to bring out the truth regarding the malpractices as detailed above and is of the opinion that keeping this contempt petition pending any longer would not be of any use. The time of this Court is also valuable and therefore, we are inclined to close the contempt proceedings for the present with directions to the Vigilance Department to ensure that the investigation regarding the issue of fake degree certificates to candidates by the Madurai Kamaraj University reaches its logical end. The Vigilance Department shall also probe the issue of fake and fraudulent degree certificates in other universities and initiate criminal prosecutions as against the candidates and officials involved without any further delay. The Vigilance Department shall also probe the manner in which the Study Centres of the Universities are functioning and whether they are facilitating such fraudulent activities. The Universities involved are directed to strictly co-operate with the investigation and also



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take steps to cancel the degrees of candidates who have obtained such fake degrees. Needless to mention that the Vigilance Department shall undertake criminal prosecution under Section 238 of the BNS for causing evidence to disappear and screening the offenders from legal punishment, if the officials of the Universities wantonly fail to provide any of the required documents.

With the above directions, this contempt petition is closed for the present.

[P.V.,J.] [B.P.,J.]
05.06.2026

Index : Yes / No
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To

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