

W.A(MD).No.628 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 17.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.628 of 2021
and
C.M.P(MD)No.4833 of 2021**

V.Sathiya Sumathi

.... Appellant/Writ Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Principal Secretary,
Tourism, Culture and Religious Endowments Department,
Fort St.George,
Chennai.
2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.



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3. The Principal,

Government Law College,
Tiruchirappalli.

....Respondents/Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed in W.P.(MD)No.2867 of 2019, dated 27.01.2021.

For Appellant : Mr.P.Kalaiyarasi Bharathi

For Respondents: Mr.N.Ramesh Arumugam – for R1 & R3

Government Advocate

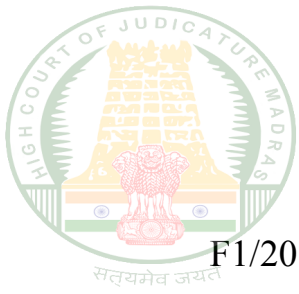
Mr.J.Anandakumar – for R2

JUDGMENT

The Writ Appeal has been filed by the writ petitioner in W.P.(MD)No.2867 of 2019 aggrieved by the order of the learned Single Judge, dated 27.01.2021, by which order, the learned Single Judge had dismissed the writ petition.

2. W.P.(MD)No.2867 of 2019 had been filed in the nature of a Certiorarified Mandamus seeking records relating to No.7969/OTD-

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F1/2015, dated 20.12.2018 issued by the second respondent in the Writ Petition, Tamil Nadu Public Service Commissioner and quash the same and to direct the third respondent, the Principal, Government Law College, Trichirappalli, to issue PSTM (Persons Studied in Tamil Medium) Certificate to the petitioner and to consequently, direct the second respondent, namely, Tamil Nadu Public Service Commission, to appoint the petitioner as Assistant Commissioner in Tamil Nadu Hindu Religious and Charitable Endowments Administration Department in Group -IB Services for the year 2013-2014.

3. The Appellant/Petitioner had participated in the recruitment process for the post of Assistant Commissioner in Tamil Nadu Hindu Religious and Charitable Endowments Administration Department in Group -IB Services for the year 2013-2014. While applying for such recruitment and for the post, the appellant has specifically categorised herself as coming under PSTM - Persons who Studied in Tamil Medium.

4. Even before going further, it must be stated that the issue



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of who could be categorised as coming under PSTM had been referred to a Full Bench and in a judgment in R.Boominathan Vs. Government of Tamil Nadu, reported in 2019 5 CTC P.873 in which one of us (C.V.Karthikeyan, J.) was a member, the Full Bench had answered the following reference:

"(i) Whether studied the Course in Tamil and having written University examinations in Tamil language will qualify the candidate for claiming reservation against Persons Studied in Tamil Medium (PSTM)?

(ii) In the absence of Tamil Medium of Instructions in the Colleges, whether the candidates studied the Courses in Tamil, or having written examinations in Tamil can be placed on par with PSTM Candidates for the purpose of claiming reservation earmarked for PSTM?

(iii) Whether the Tamil Medium of Instruction is in vogue and is available in law colleges run by the State Universities and if available, from what period the courses have been commenced in Tamil Medium and whether the same has been continuing uninterruptedly upto which period? If Tamil Medium of Instruction is available, factually which are the Law Colleges run by the State Universities



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conducting the Law Course in Tamil as Medium of Instruction?"

5. The Full Bench had answered the same 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

(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. Only in few colleges, Law Degrees are imparted in Tamil as Medium of Instructions and in



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some other colleges, it is being imparted intermittently. Only if a student pursued the entire Course in Tamil and obtained a Certificate to that effect from the head of the institution/Registrar or Principal of the College, will he or she be declared as the one who is eligible to claim preference in public employment under PSTM category. As on date, Law Colleges at Chennai, Madurai, Coimbatore, Tiruchirapalli, Tirunelveli and Chengalpattu are imparting the courses in Tamil as medium of instruction, as could be evident from G.O. Ms. No.33, Law (LS) Department dated 31.01.2017 as well as the counter affidavit filed by Director of Legal Studies, Chennai.

6. It is clear from the law as laid down by the Full Bench that it was not those who had studied the course in Tamil or had written the University or Competitive examination in Tamil, who can be categorised to claim reservation under PSTM category.

7. It is stated that even if a person had opted for Tamil as medium of instructions, in the absence of certificate issued by the



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Registrar / Principal or Head of Institution in the prescribed format that the education has been pursued in Tamil as medium of instructions throughout, he or she cannot be placed on par with PSTM candidates. The judgment of the Full Bench was rendered with specific reference to in courses in Law College. The petitioner had also studied Law in Trichy Government Law College. The petitioner had sought for a certificate to be issued categorising as her having undergone the course through Tamil Medium. The Principal, Government Law College, Trichy, had refused and rejected such representation. Naturally, when the petitioner made an application seeking for the post of Assistant Commissioner in the Tamil Nadu Hindu Religious and Charitable Endowments Department and categorising himself as coming under PSTM category, she had made a wrong declaration. She could not, by any stretch of imagination, categorise herself as coming under PSTM category and seek for reservation under that category.

8. The learned Single Judge had dismissed the Writ Petition stating that since the appellant herein had not produced the PSTM certificate, her application could not be considered. But however, a small



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window was kept open by giving liberty to the appellant/petitioner to approach the Principal of Government Law College, Trichy, seeking such certificate.

9. We are informed that though such representation was made, the Principal, Government Law College, Trichy, had rejected such representation.

10. The learned counsel for the appellant placed an alternate argument stating that irrespective of the reservation under PSTM, the appellant had qualified under General Turn and stated that one post under General Turn category was kept vacant by the respondents.

11. But, we are of the clear opinion that the respondents can only appoint individuals in accordance with the applications filed. If in the application, the appellant herein had categorised herself as coming under PSTM category, then she will have to abide with such declaration made by her in the said application. If she wants to change courses and claim right of employment and to be recruited through the General Turn,



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then it would automatically mean that she is denying that opportunity to a candidate who had actually being selected under the General Turn, having opted to be selected under the General Turn. This cannot be encouraged. The position is very clear on that aspect that, once a declaration has been made in the application declaring that every statement made in the application is correct and true to the knowledge of the applicant, the applicant cannot thereafter, deviate from any of the entries given in the application. The appellant had categorised herself as coming under the PSTM category. She will have to abide and opt only for that category. It has been found that she does not qualify under the PSTM category. Therefore, she cannot be considered for reservation under the PSTM category. She cannot also be considered for being selected under the General Turn category, since she had not opted for the same in the application. The candidate who had opted under the General Turn category, cannot be ousted only to accommodate the appellant herein.

12. The learned Single Judge had, given a small window of opportunity asking the appellant to get a certificate from the Trichy Law



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College, even after disposal of the Writ Petition. But efforts in that regard had proved vain and the Principal of Government Law College, Trichy, had not granted such certificate. We cannot therefore, step into the shoes of the respondents and direct the respondents to accommodate the appellant at the expense of a candidate who had actually been selected under the General Turn category.

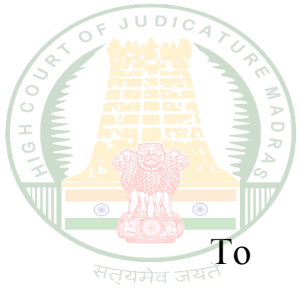
13. For the reasons aforesaid, we are not inclined to allow the Writ Appeal.

14. Accordingly, the Writ Appeal stands dismissed and therefore, the order of the learned Single Judge is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) (R.P., J.)
17.10.2024

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