

Writ Petition Nos.16169 and 19493 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 29.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition Nos.16169 & 19493 of 2024**

**and**

**W.M.P.No.17712 of 2024 in W.P.No.16169 of 2024 &**

**W.M.P.No.21348 of 2024 in W.P.No.19493 of 2024**

**W.P.No.16169 of 2024**

1.R.Prakash

S/o.G.Ramu

2.C.Karthikeyan

S/o.R.Chinnapaiyan

3.G.Ayyanar

S/o.A.Ganesan

4.R.Arulmani

S/o.M.Raman

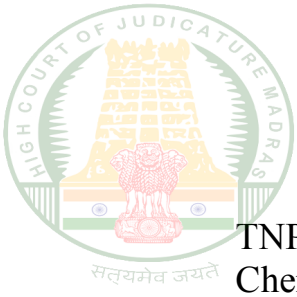
... Petitioners

**Vs.**

1.The State of Tamil Nadu,  
represented by its  
Principal Secretary to Government,  
Higher Education Department,  
Fort St.George, Chennai - 600 009.

2.The Director of Technical Education,  
53, Sardar Patel Road,  
Guindy, Chennai - 600 025.

3.Tamil Nadu Public Service Commission,



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TNPSC Road, Broadway,  
Chennai - 600 003.

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4. Adhiparasakthi Polytechnic College,  
represented by its Correspondent,  
Melmaruvathur,  
Kanchipuram.

5. Shri Krishnaa Polytechnic College,  
represented by its Correspondent,  
R. Gobinathampatty,  
Morappur, Harur,  
Dharmapuri.

6. Maruthi Polytechnic College,  
represented by its Correspondent,  
Manivizhundan South,  
Attur, Salem District.

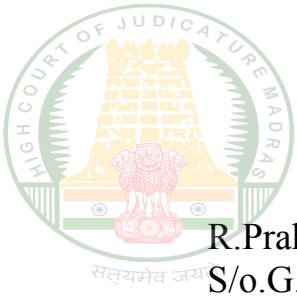
7. Government Polytechnic College,  
Perundurai, Erode.

... Respondents

[Respondents 4 to 7 are impleaded as per order dated 06.08.2024 in  
W.M.P.No.24916/2024 in W.P.No.16169/2024]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Declaration to declare that the petitioners are eligible to be appointed as Assistant Engineer - Civil Engineering in the category of PSTM pursuant to the recruitment notification No.10/2022 in Advertisement No.613 dated 04.04.2022.

**W.P.No.19493 of 2024**



Writ Petition Nos.16169 and 19493 of 2024

R.Prakash  
S/o.G.Ramu

... Petitioner

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Vs.

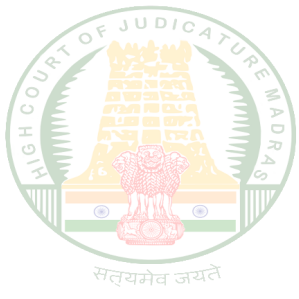
- 1.The State of Tamil Nadu,  
represented by its  
Principal Secretary to Government,  
Higher Education Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The Director of Technical Education,  
53, Sardar Patel Road,  
Guindy, Chennai - 600 025.
- 3.Tamil Nadu Public Service Commission,  
TNPSC Road, Broadway,  
Chennai - 600 003.
- 4.Adhiparasakthi Polytechnic College,  
represented by its Correspondent,  
Melmaruvathur,  
Kanchipuram.

... Respondent

[R4 - impleaded as per order dated 15.07.2024 in W.M.P.No.21717/2024  
in W.P.No.19493/2024]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Declaration to declare that the petitioner is eligible to be appointed as Assistant Engineer - Civil Engineering in the category of PSTM pursuant to the recruitment notification No.23/2023 in Advertisement No.672 dated 13.10.2023.

For Petitioners : Mrs.N.Kavitha Rameswar  
[in both petitions]



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For Respondents : Mr.D.Ravichander  
[in both petitions] Special Government Pleader  
[R1, R2 & R7]  
Mr.I.Abrar Mohammed Abdullah [R3]  
Mr.M.Rajasekar [R4]  
No appearance [R5]  
Mr.K.K.Senthilvelavan, Senior Counsel  
for Mr.J.Thomas Saran Singh [R6]

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### **COMMON ORDER**

These writ petitions have been filed seeking issuance of a writ of declaration to declare that the petitioners are eligible to be appointed as Assistant Engineer - Civil Engineering in the PSTM category.

2. W.P.No.16169 of 2024 pertains to the recruitment notification dated 04.04.2022. W.P.No.19493 of 2024 pertains to recruitment notification dated 13.10.2023.

3. The case of the petitioners is that they had applied for the post of Assistant Engineer - Civil Engineering pursuant to the notifications dated 04.04.2022 and 13.10.2023, which pertain to the recruitment for the years 2022 and 2023. As per this notification, 20% of the vacancies are notified to candidates, who have studied in Tamil medium (PSTM). The petitioners wrote the examination conducted by



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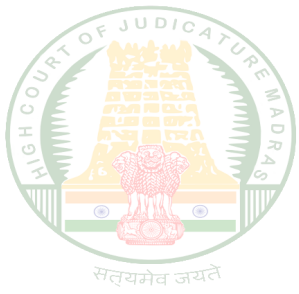
third respondent. The third respondent released the list of candidates, who are provisionally eligible for certificate verification.

4. The second petitioner in W.P.No.16169 of 2024 was called for certificate verification and oral test. Insofar as petitioners 1, 3 and 4 are concerned, they approached this Court and pursuant to the order passed in W.A.No.682 of 2023, they were called for certificate verification. Insofar as W.P.No.19493 of 2024 is concerned, the petitioner was called for certificate verification. All the petitioners produced the original certificates at the time of certificate verification.

5. All the petitioners were called for oral interview also. However, the candidature of the petitioners was not considered mainly on the ground that the petitioners were not able to submit PSTM certificate for the diploma course that was undergone by them. It is under these circumstances, these writ petitions have been filed before this Court.

6. The second respondent has filed a counter in W.P.No.16169 of 2024. The stand taken by second respondent is extracted hereunder:

"4. I submit that, the Tamil Nadu Government have given an opportunity to those who are all studied in Tamil



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Medium can utilise 20% reservation in Tamil Nadu appointment on preferential basis in the services. Also the Government has published the Amendment Act in Government Gazette on 07.12.2020 as Act No.35 of 2020, Amendment of section 2 clause (d)

"(d) "person studied in Tamil Medium" means a person who has studied through Tamil Medium of instruction upto the educational qualification prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the state."

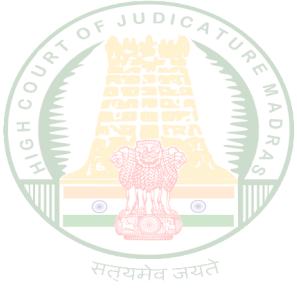
5. I state that as per Clause 4(B) of the recruitment notification dated 04.04.2022, the essential requisite qualification for the post of Assistant Engineer is a Degree in Civil Engineering. I state that I am not aware of the fact, that the petitioners are fully qualified with a Degree in Civil Engineering, applied for the post pursuant to the said notification.

6. With respect to the averment made in para (4) of the affidavit, it is stated that, all the petitioners herein have completed their Diploma in Civil Engineering which is a two-year course and thereafter they completed B.E. in Civil Engineering (3 Years) through Lateral Entry which is permissible for Diploma holders.

7. In this regard, it is submitted that, this office issues as per Board of Studies and Examination Hand book for Diploma and PG Diploma Para 2.11 and 3.1, the Medium of Instruction is English. Thus the allegation to the contra are clearly false and misleading. The Hand Book is enclosed herewith as Annexure R1.

8. It is further submitted that, In the Board of Studies and Examinations Hand Book Para 3.1 issued by the second respondent herein, Directorate of Technical Education, it is given as "even though, the Medium of Instruction of Diploma and post Diploma Courses is English, the candidates are being permitted to answer in Tamil also. To facilitate rural candidates who studied X standard in Tamil Medium, the I year question papers are being printed both in English and Tamil".

9. I state with respect to averment in para 8 the same is strictly denied and submitted that, in G.O (Ms).No.82, Human



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Resource Management (S) Department, Dated 16.08.2021 in para 4 and 4(ii) it is stated as,

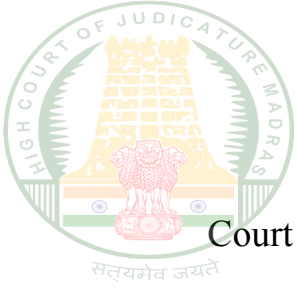
"மாண்புமிகு சென்னை உயர்நீதிமன்ற மதுரை கிளை வழங்கிய மேற்படி தீர்ப்பினை செயல்படுத்துவது குறித்து தமிழ்நாடு அரசுப் பணியாளர் தேர்வாணையத்தின் கருத்தினை பெற்று அரசு விரிவாக ஆய்வு செய்து, அதன்படி, 2010 - ஆம் ஆண்டு தமிழ்நாடு தமிழ் வழியில் கல்வி பயின்றவர்களை அரசின் கீழ்வரும் பணிகளில் முன்னுரிமையின் அடிப்படையில் பணி நியமனம் செய்தல் சட்டம் மற்றும் அச்சட்டத்திற்கான 2020 - ஆம் ஆண்டு திருத்தச் சட்டம் ஆகியவற்றை நடைமுறைப்படுத்துவது தொடர்பாக, வெளியிடப்பட்டுள்ள வழிகாட்டு நெறிமுறையில் பத்தி எண்.4(ii)-ல் பின்வருமாறு குறிப்பிடப்பட்டுள்ளது.

"இதர மொழிகளை பயிற்று மொழியாக (Medium of Instruction) கொண்டு பயிற்று, தேர்வுகளை மட்டும் தமிழில் எழுதியவர்கள், இம்முன்னுரிமை ஒதுக்கீட்டிற்கு தகுதியுடையவர்கள் அல்லர்."

Hence, the Petitioners has undergone Diploma Course in English medium, the concession given under G.O.(Ms).No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010 and G.O.(Ms).No.82, Human Resource Management (S) Department, dated 16.08.2021 is not applicable. (Reservation in Public Employment for those who studied the course in Tamil Medium)."

7. Learned counsel for petitioners submitted that the petitioners had undergone their studies right from the beginning only in Tamil medium. Therefore, just because they were not able to get the PSTM certificate for the diploma course, that cannot deprive the petitioners from being considered under the PSTM category.

8. When the matter came up for hearing on 06.08.2024, this



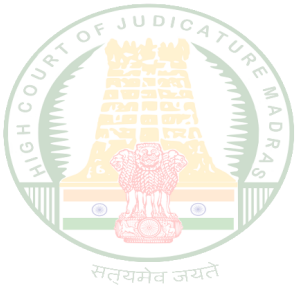
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Court directed learned counsel appearing on behalf of Colleges where the petitioners underwent diploma course to take instructions with respect to the medium in which the petitioners had undergone diploma course.

9. Learned counsel appearing on behalf of the Adhiparasakthi Polytechnic College produced the written instructions received from the College to the effect that the diploma in civil engineering was offered only in English medium. Similarly, learned Standing Counsel appearing on behalf of Maruthi Polytechnic College (R6) also produced a similar letter stating that the medium of instruction for the diploma course was only in English. Learned Senior Counsel further brought to the notice of this Court the proceedings dated 14.08.2024 of the Commissioner of Directorate of Technical Education wherein it has been mentioned as follows:

"எனவே, மேற்படி, அரசாணைகளின்படியும் தொழில் நுட்பக் கல்வி துறையின் பட்டயப் படிப்பு தொடர்பான விதிகள் மற்றும் விதிமுறைகளின்படியும் பயிற்றுமொழி ஆங்கிலம் மட்டும் என்பதால் கல்வியாண்டு 2022-23 முன்பு வரை சேர்க்கை பெற்ற மாணாக்கர்களுக்கு தமிழ்வழி கல்விச் சான்றிதழ் (PSTM) வழங்க வழிவகைஇல்லை என தெரிவித்துக்கொள்வதுடன், இனிவரும் காலங்களில் தவறுதலாக தமிழ் வழிச் சான்றிதழ் வழங்கப்படுவது தெரியவரும் பட்சத்தில் அக்கல்லூரி மீது தக்க நடவடிக்கை மேற்கொள்ளப்படும் என தெரிவித்துக்கொள்ளப்படுகிறது."





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10. Heard Mrs.N.Kavitha Rameswar, learned counsel for petitioners, Mr.D.Ravichander, learned Special Government Pleader appearing for respondents 1, 2 and 7, Mr.I.Abrar Mohammed Abdullah, learned counsel appearing for third respondent, Mr.M.Rajasekar, learned counsel appearing for fourth respondent and Mr.K.K.Senthilvelavan, learned Senior Counsel appearing for sixth respondent.

11. Learned counsel for petitioners heavily relied upon Act 35 of 2020, which came into effect from 07.12.2020 wherein the definition of 'persons studied in Tamil medium' was amended as follows:

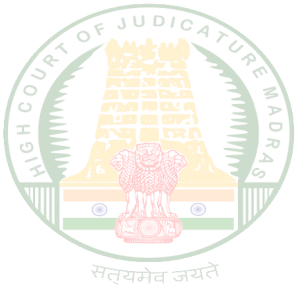
"(d) "person studied in Tamil medium" means a person who has studied through Tamil medium of instruction upto the educational qualification prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State.

Explanation.- For the purpose of this clause, -

(i) in cases, where SSLC is prescribed as the educational qualification, one shall have studied upto SSLC through Tamil medium of instruction;

(ii) in cases, where a Higher Secondary Course is prescribed as the educational qualification, one shall have studied SSLC and the Higher Secondary Course through Tamil medium of instruction;

(iii) in cases, where a diploma is prescribed as the educational qualification, one shall have studied SSLC and the diploma through Tamil medium of instruction or if the diploma is obtained after completion of Higher Secondary Course then one shall have studied SSLC, Higher Secondary Course and the diploma through Tamil medium of instruction;



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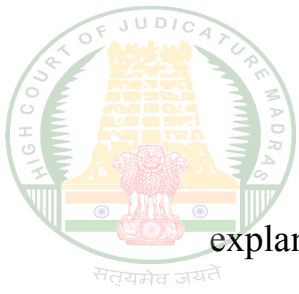
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(iv) in cases, where a degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course and the degree through Tamil medium of instruction;

(v) in cases, where a post-graduate degree is prescribed as the educational qualification, one shall have studied SSLC, Higher Secondary Course, degree and the post-graduate degree through Tamil medium of instruction."

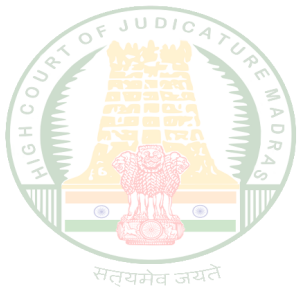
12. Learned counsel submitted that the recruiting agency will have to strictly go by the requirements under the above Act and they cannot be allowed to add or substitute any words which are not found in the Act. Learned counsel submitted that all the petitioners had undergone their studies in 10 + 2 + 2 + 3 pattern. Learned counsel submitted that there is no dispute with regard to the fact that the petitioners have undergone studies in SSLC, HSC and engineering degree in Tamil medium. The relevant PSTM certificates were also pointed out to substantiate this submission. Insofar as the diploma course is concerned, no such certificate was granted by the institution. It was contended that even though no such certificate is available, it is not very relevant since the requirement under the notification is that the candidate must possess a B.E. degree in civil engineering.

13. Learned counsel by relying upon Clause (iv) of the



explanation to Section 2(d) of the Act 35 of 2020 submitted that in cases where a degree is specified as an educational qualification, the candidate is expected to study SSLC, Higher Secondary Education and Degree through Tamil medium of instruction. Learned counsel submitted that this requirement under the Act 35 of 2020 has been fulfilled in letter and spirit by the petitioners. Learned counsel further submitted that in cases where the requirement prescribed is a diploma, then the diploma must have been completed through Tamil medium and such a requirement is found in Clause (iii) of the explanation. Therefore, it was argued that the Legislature had knowledge that a person can undergo a B.E. degree course even through lateral entry after undergoing a diploma and in spite of the same, the Legislature did not specifically mandate that the PSTM certificate must be obtained for the diploma course when the qualification that is prescribed is only a B.E. degree in civil engineering.

14. In the light of the above submission, learned counsel submitted that even though the institutions have now come up with instructions that the petitioners underwent the diploma course only in English, it will not have any bearing since the petitioners have fulfilled the requirements strictly as per Clause (iv) of the explanation.

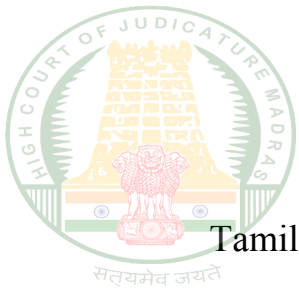


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15. Insofar as the interpretation of such statute is concerned, learned counsel relied upon the judgments of the Apex Court in ***Eera through Manjula Krippendorf v. State (Govt. of NCT of Delhi and others [(2017) 15 SCC 133]*** and ***Union of India (UOI) and Ors. v. V.R.Nanukuttan Nair [(2019) 19 SCC 690]***.

16. Learned counsel concluded her submissions by stating that the recruiting agency cannot be permitted to do violence to the intent and the language used under the Act 35 of 2020 and if the petitioners had satisfied the requirements of the Act 35 of 2020 and had fulfilled the objective behind the Act, they must be considered for recruitment under the PSTM category.

17. *Per contra*, learned Special Government Pleader appearing on behalf of respondents 1 and 2 submitted that the advantage under the PSTM category can be extended only if the candidate had undergone the course right through in Tamil medium. This includes the diploma course underwent by petitioners. Learned Special Government Pleader further submitted that just because the petitioners wrote the diploma course in

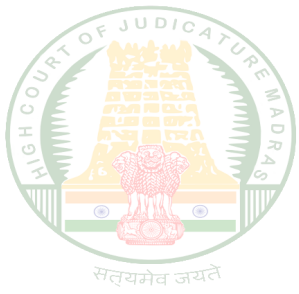


Tamil, that does not automatically confer advantage on the petitioners since the medium of instruction for the diploma course was only in English. Hence, it was contended that the petitioners are not eligible to be considered under the PSTM category.

18. Learned Standing Counsel appearing on behalf of Tamil Nadu Public Service Commission placed reliance upon the judgment of the Division Bench in ***W.P.(MD) No.8025 of 2020, dated 22.03.2021***. The portions of the judgment that were relied upon by the learned Standing Counsel are extracted hereunder:

"35. The aforesaid amendment is in consonance with the interpretation given by this Court with regard to "the persons studied in Tamil medium" as stated in unamended Section 2(d) of the Act. Therefore, even as per the original Act, there is no confusion with regard to the intention of the Legislature and it is only on a narrow interpretation given by some of the parties, the benefits have been obtained unjustifiably by undeserving candidates who studied in Medium other than Tamil Medium and artificially complied with by obtaining degree alone in Tamil Medium. The amendment regarding "Persons studied in Tamil Medium" only gives clarity. It does not introduce anything new. The original act as clarified by the amendment also supports the contentions of the Petitioner. Therefore, the impugned notification is in consonance with the interpretation given by this Court namely,

- (i) Persons who complete their entire education in Tamil medium upto the prescribed qualification alone viz., right from first standard upto SSLC, HSC, Degree of Diploma or Post Graduation Degree are entitled to the benefit under the PSTM Act.



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(ii) Candidates, who artificially tried to comply with the provisions by obtaining the prescribed qualification alone in Tamil Medium namely, degree are not entitled to be selected.

(iii) 20% PSTM reservation shall be applied at every stage namely, written examination, interview, as well as final stage of recruitment process.

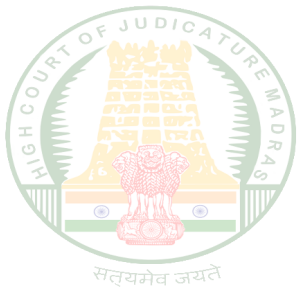
36. The above directions are necessary as the reservation for Tamil Medium candidates was not followed at every stage and therefore, the required candidates were stated to be not available for filling up the 20% reservation at the final stage. Only if the reservation is applied at every stage, the benefits given under the Act would be reaching the candidates. Under the present recruitment, benefits under the Act have to be given to the candidates, who studied right from school in Tamil Medium upto the required qualification viz., 1st standard to 10th standard, HSC, Degree or Diploma or Post Graduation Degree in Tamil medium.

37. The investigation conducted by the Vigilance and Anti Corruption Department with regard to issuance of fake certificates by Madurai Kamaraj University shall be done thoroughly and concluded at the earliest. There shall be a direction to R16 & R17 viz., The Director of Vigilance & Anti Corruption and The Deputy Superintendent of Police, Vigilance & Anti Corruption, to continue with the investigation with regard to the issuance of fake PSTM certificates by Madurai Kamaraj University and shall expand the scope of investigation by finding out any similar offence is committed in any other Universities in the State of Tamil Nadu.

38. From the materials placed on record this Court holds that

"(i) The Act is intended to encourage the children to study in Tamil Medium;

(ii) To remove the disability sustained by the Tamil medium students due to education in Tamil medium viz., inability to get employment in Central Government as well as in other State



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Services, Private Sectors, the reservation has been provided;

(iii) The reservation of 20% is meant for those students who studied their entire education upto the requisite qualification in Tamil Medium viz., study in Tamil medium from 1st standard to SSLC, HSC, Degree or Diploma or Post Graduation Degree;

(iv) People are encouraged by the reservation to prefer Tamil as Medium of Instruction at all levels of education;

(v) Preference of 20% reservation is sought to be given for Tamil Medium students under PSTM Act when equally qualified persons, who studied in a different medium of instruction other than Tamil are available. For the rest of 80%, it is open to all the persons who studied in different languages;

(vi) Setting apart 20% for preferential treatment to those who studied in Tamil Medium is reasonable as those persons cannot be compared or equalised to those who have studied in other Mediums of Instruction, especially, English Medium, who can get more opportunities in other employment;

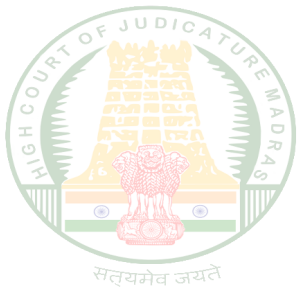
(vii) The opportunities available for those who have studied in Tamil Medium is confined only to the State of Tamil Nadu;

(viii) As the opportunity to get employment to those who studied in Tamil Medium is confined to the State and lack of employment opportunities in other States, Central Government Service, Private Sectors, is a disability suffered by them and those persons, who studied in Tamil Medium constitute a separate classification different from those who have studied in English Medium, who have more opportunities everywhere including the State of Tamil Nadu, the classification made by the Government is reasonable and based on a rational complying with Article 14 of the Constitution of India to achieve the object of removing the disability being suffered by persons studied in Tamil Medium by giving 20% reservation;

(ix) The entire Act including the amendment Act 2020 is constitutionally valid;

(x) It is a step to preserve and take forward Tamil language to the future generations."





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42. For the reasons stated above the impugned notification is held as valid and this Court accepts the contention of the Petitioner that only those who completed their entire education right from schooling viz., from first standard upto SSLC, HSC, prescribed qualification either Degree, Diploma or Post Graduation, in Tamil medium alone are entitled to avail the benefit of 20% reservation quota. Therefore, the Writ Petition is allowed partly with the following directions:

*(1). The impugned notification itself is as per the interpretation given by the petitioner in the prayer viz., to allow only the candidates those who have completed their entire education i.e., from 1st std to 10th std, then 12th std and thereafter, Degree or prescribed qualification only through Tamil Medium to avail PSTM quota and hence it is valid.*

*(2). The recruitment under the impugned notification is governed by this order.*

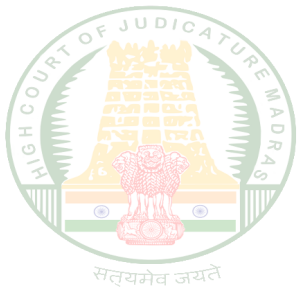
*(3). There shall be a direction to the Respondents to give 20% PSTM reservation only to those who studied their entire education through out in Tamil medium viz., right from 1st standard upto prescribed qualification.*

*(4). 20% reservation for PSTM candidates shall be applied at every stage of recruitment.*

*(5). The PSTM Act 2010 and the amendment Act 2020 are constitutionally valid, as the act is to remove the disability sustained by the Tamil medium students due to education in Tamil medium viz., inability to get employment in Central Government as well as in other State Services, Private Sectors.*

*(6). The Chief Secretary shall direct the Department of School Education and Higher Education to strictly indicate the medium of instruction in the certificates itself viz., Tamil or English in which the student undergo the course in 10th std, 12th std, Degree and Post Graduate Degree, if not already indicated.*





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(7). *The third respondent shall also get the certificates verified from the school or college authorities with regard to those candidates who apply under PSTM quota and also make it mandatory to produce the proof for having benefitted the scholarship for undergoing education in Tamil Medium and also completion certificate for having studied in Tamil Medium issued by the Institutes as per the full bench judgment of this Court dated 27.09.2019 in W.P.No.27127 of 2018 in the case of R.Boominathan Vs. The Government of Tamil Nadu.*

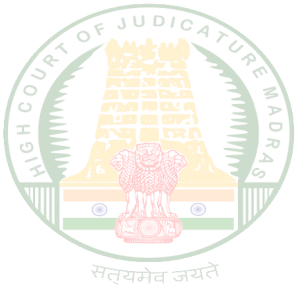
(8). *The Director of Vigilance and Anticorruption shall constitute a special team headed by a DSP level Officer, preferably, the seventeenth respondent herein, exclusively, for the investigation on the alleged irregularities in the conduct of examinations and issuance of false certificates, including false PSTM certificates, as discussed supra, by Madurai Kamaraj University and shall ensure that the investigation is completed in a time bound manner not more than six months from the date of receipt of a copy of this order. The investigation team is expected to submit a status report before this Court at regular intervals, preferably, by the end of three months period, in sealed cover. A copy of the final report shall also be submitted before this Court in sealed cover.*

(9). *After completing the investigation in Madurai Kamaraj University, the investigation team shall also extend the scope of investigation and find out any such fraud has been committed in any other Universities in Tamil Nadu.*

(10). *Needless to state that during the course of investigation, if the investigation team finds the commission of cognizable offence, they are expected to file the final report by including the relevant penal provisions, apart from the provisions of Prevention of Corruption Act.*

(11). *The respondents 1 and 2 are directed to appoint only those teachers who have been qualified in tamil literature to teach "Tamil subject" for the students at school as well as college level.*

(12). *The Government shall not appoint candidates who*



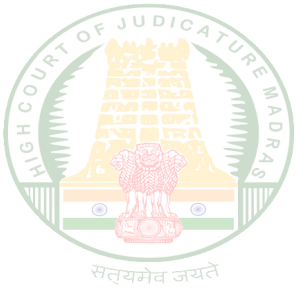
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*obtained cross major subject degrees in Tamil as Tamil Teachers."*

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19. By placing reliance on the judgment of the Division Bench, learned counsel submitted that the petitioners can be considered under the PSTM category only if they complete their entire education right from their schooling till obtaining the degree in Tamil medium. In the absence of the same, just because the petitioners had completed B.E.degree in Tamil medium without undergoing the diploma course in Tamil medium, such privilege cannot be granted to the petitioners. Learned counsel took an extreme stand that the petitioners had misled as if they had completed the diploma course in Tamil medium whereas it has come to light that the diploma course was undergone only in English medium. Hence, the petitioners had artificially complied by obtaining the degree in Tamil medium and that will not come to the aid of the petitioners since they have not fulfilled the requirement of completing their entire education in Tamil medium. In the light of the above submission, learned Standing Counsel sought for the dismissal of these writ petitions.

20. This Court had carefully considered the submissions made on either side and perused the materials on record.

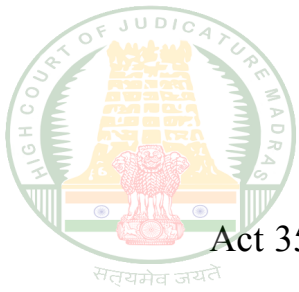


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21. The short issue that arises for consideration in these writ petitions is as to whether the petitioners will be ineligible to be considered under the PSTM category on the ground that they were not able to produce a PSTM certificate for the diploma course and on the ground that the medium of instruction for the diploma course was in English as per the instructions given by the concerned colleges and the proceedings of the Commissioner of Directorate of Technical Education.

22. To start with, it is important to understand the objective behind the enactment to provide for appointment on preferential basis in the services for persons, who have studied in Tamil medium. The objective is that for persons, who have studied Tamil medium, they have very little chance of getting selected in the employment of Central Government, other State Governments or in private sectors. Therefore, there was a need for giving preference to those persons, who have studied through Tamil medium, in State Government services. With this avowed object, the Act was brought into force through Act No.40 of 2010.

23. There was a subsequent amendment that was carried out in

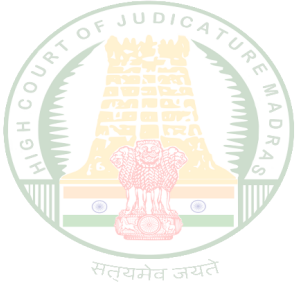


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Act 35 of 2020, which came into force on 07.12.2020. The scope of both enactments was dealt with by the Division Bench order in ***W.P.(MD) No.8025 of 2020, dated 22.03.2021***, referred supra. The relevant portions that were relied upon by learned Standing Counsel for Tamil Nadu Public Service Commission have also been extracted.

24. It is necessary to take note of the actual grievance that was considered by the Division Bench. For this purpose, paragraph No.5 of the order is extracted hereunder:

"5. The petitioner had his entire schooling in Tamil Medium upto Plus Two. He completed B.Com, then M.Com in Tamil Medium and thereafter, completed his Law Degree through Tamil Medium. The petitioner applied for TNPSC Group I Services pursuant to 3rd respondent's notification dated 20.01.2020 calling for applications for CCS I examination (Group I services) for vacancy of 69 posts. The grievance of the petitioner is that the candidates who had not done their schooling in Tamil Medium are getting benefited by 20% quota under PSTM Act by obtaining only the higher degree prescribed for the post in Tamil Medium. Excepting the Higher Degree prescribed as qualification for the post, most of them studied in English Medium and only to get the benefit under PSTM quota, they acquire the prescribed qualification in Tamil Medium superficially through distance education. According to him, persons who are entitled to reservation are only those who have studied in Tamil Medium right from I standard to Plus Two and thereafter, the other degrees. To put it in a nutshell, candidates should have studied throughout in Tamil Medium right from schooling till acquiring the prescribed higher qualification. The very object of the Act is being frustrated by the respondents by adopting a fraudulent method of giving reservation to those who have studied higher qualification prescribed for the post alone in



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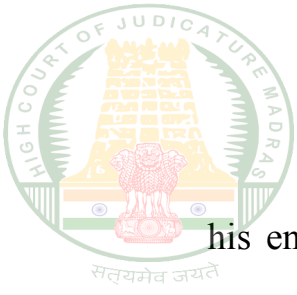
Tamil Medium ignoring the fact that they studied throughout in English Medium."

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25. The Division Bench dealt with a scenario where many started claiming for PSTM quota by superficially undergoing Tamil medium at the degree level or merely writing examinations in Tamil. Thereby, an attempt was made to frustrate the very object of the Act. In order to deal with such a situation, the Division Bench had gone into the scope of this Act in detail.

26. The Division Bench has categorically held that for a person to claim PSTM category, he must have completed his entire education in Tamil medium up to the prescribed qualification *viz.*, I standard upto SSLC, HSC, Degree or Diploma or Post Graduation Degree. It was made clear that the candidates who artificially try to comply with the provisions by obtaining the prescribed qualification alone in Tamil medium were held to be not entitled for claiming the benefit of the quota.

27. A careful reading of the observations made by the Division Bench makes it abundantly clear that a candidate must have completed



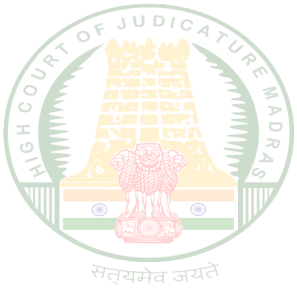
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his entire education in Tamil upto the degree, which is prescribed as a qualification for selection.

28. This Court has to next venture into the scope of the term "persons studied in Tamil medium". The Division Bench itself had dealt with the scope of Section 2(d) of the Act 35 of 2020 at paragraph No.35 of the judgment. While dealing with it, the Division Bench has held that a person must complete his education in Tamil medium upto the prescribed qualification.

29. In the case in hand, the qualification that has been prescribed under the notification is that the candidate must have completed B.E. degree in civil engineering. The petitioners are lateral entrants into the B.E. degree after completing their diploma course. What is prescribed as a qualification in the notification is only a degree and not diploma. Therefore, it must be seen as to whether the petitioners, who do not possess a PSTM certificate for the diploma course to prove that they underwent the course in Tamil medium, can be accommodated within the scope of explanation (iv) to Section 2(d) of the Act 35 of 2020.



30. The explanation to Section 2(d) of the Act 35 of 2020

considers each scenario separately. If the educational qualification prescribed is SSLC, one should have studied upto SSLC through Tamil medium. Similarly, where the educational qualification is HSC, one should have studied up to SSLC and HSC in Tamil medium. If the educational qualification is a diploma, one should have studied in Tamil medium up to SSLC and the Diploma must also be through Tamil medium of instruction. If the Diploma is obtained after the completion of HSC, one should have studied right through SSLC in Tamil medium and HSC in Tamil medium and Diploma also in Tamil medium. Further, explanation (iv) states that in cases where the degree is prescribed as the qualification, one should have studied SSLC, HSC and Degree through Tamil medium of instruction. Finally, explanation (v) states that in cases where a Post Graduate Degree is prescribed as qualification, one should have studied SSLC, HSC, Degree and Post Graduation through Tamil medium of instruction.

31. It is pellucid from the explanation that the object behind the Act is sought to be achieved by insisting the candidate to study in Tamil medium throughout upto the educational qualification that is prescribed

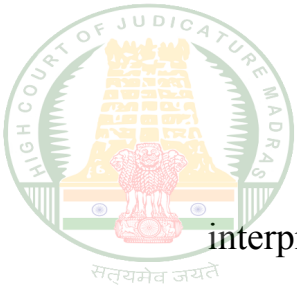


in a recruitment notification. The practice that was deprecated by the Division Bench are cases where a person superficially undergoes Tamil medium with reference to essential qualification alone and whereas all his education till then was not in Tamil medium. Such practice was held to be against the object of the Act and those persons were held not to be entitled to be considered within PSTM category.

32. The language that has been used under the explanation to Section 2(d) of the Act 35 of 2020 is plain and clear. In explanation (iv), it is specifically stated that in cases where a degree is prescribed as an educational qualification, one should have studied up to SSLC, HSC and the Degree through Tamil medium of instruction. The petitioners made a lateral entry to B.E. degree after completing diploma. In such a scenario, if the Legislature insisted that such diploma must also carry a PSTM certificate, it would have been specifically mentioned in explanation (iv).

33. While interpreting a beneficial legislation, the Court must merely go by the language that has been used by the Legislature and the Court must be aware that the Legislature had the knowledge of the prevailing scenario. The Court is expected to give a purposive





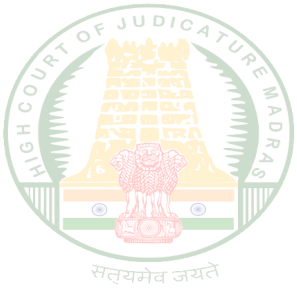
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interpretation and the Court should not add or modify something into the plain language used by the Legislature. By doing so, this Court will only be causing violence both to the intent and language of the Legislature.

34. The recruiting agency while providing for the quota under the PSTM category is also bound by the provisions of the Act. They cannot try to interpret the same differently except to understand it in the manner it has been specifically provided under the Act.

35. In the case in hand, there is no dispute with regard to the fact that the petitioners have undergone education only in Tamil medium from I to X standard and also in the HSC. There is also no dispute with regard to the fact that the petitioners had undergone B.E. degree in Tamil medium. The PSTM certificates that have been placed before this Court proves the said fact. On carefully going through the circular dated 14.08.2024 of the Commissioner of Department of Technical Education, it is seen that there was no scope for Tamil medium till 2022-2023 for those who undergo the diploma. In view of the same, the institutions have taken a stand that the diploma was not taught to the students in Tamil medium.

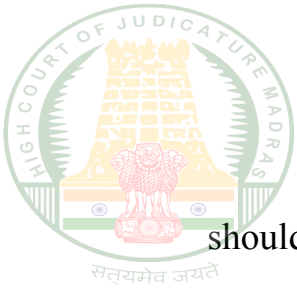


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36. Apart from the plain reading of explanation (iv), this Court must also see whether the petitioners have satisfied the object of the Act. The object of the Act is that the candidate must have studied in Tamil medium throughout and the candidate will not be allowed to superficially fulfill the requirement by only undergoing the essential qualification in Tamil medium. That is not the case in hand and the petitioners have certainly gone through their entire education only in Tamil medium.

37. Even in the Division Bench judgment that was relied upon, the Division Bench while dealing with the scope of Section 2(d) of the Act 35 of 2020 has held that a candidate must have completed their entire education right from schooling in Tamil medium. While doing so, the Division Bench specifically took note of SSLC, HSC, Degree, Diploma or Post Graduation. The Division Bench never had an occasion to deal with a scenario where there was a lateral entry into B.E. degree after completing the diploma course.

38. There is yet another angle in which this issue can be dealt with. Explanation (v) talks about a case where a post graduation degree is prescribed as educational qualification. In such a case, the candidate



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should have studied SSLC, HSC, Degree and Post Graduation through Tamil medium. Therefore, if a candidate had studied SSLC, HSC and Post Graduation Degree in Tamil medium and whereas he has not studied Under Graduation in Tamil medium, the candidate will not be entitled to be considered under the PSTM category because of the insistence made in explanation (v). This juxtaposed with explanation (iv) shows that the said explanation does not contemplate a scenario of obtaining a PSTM certificate for a diploma where a degree is prescribed as an educational qualification. In such cases, it is enough if one has studied SSLC, HSC and the Degree through Tamil medium of instruction. This requirement has been satisfied by all the petitioners.

39. In the considered view of this Court, the petitioners, who have undergone their entire education in Tamil, should not be deprived of the PSTM category just because they are not able to get PSTM certificate for the diploma which they underwent. The petitioners have in fact written the diploma exams only in Tamil. They could not have obtained such a certificate since the circular of the Commissioner of Department of Technical Education shows that the diploma course was never instructed through Tamil medium. The object behind the Act will be defeated if the



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petitioners are not considered under the PSTM category.

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40. The insistence of TNPSC to get the PSTM certificate for the diploma also runs against the plain language used in explanation (iv) to Section 2(d) of the Act 35 of 2020.

41. In the light of the above discussion, the petitioners are entitled to succeed in these writ petitions. Accordingly, it is declared that the petitioners are eligible to be considered under the category of PSTM and their appointment to the post of Assistant Engineer - Civil Engineering can be proceeded further, if the petitioners are otherwise qualified.

Accordingly, these writ petitions are allowed. No costs.  
Consequently, connected miscellaneous petitions are closed.

**29.08.2024**

Neutral Citation: Yes  
Index: yes  
Speaking Order  
gm

To  
1. The Principal Secretary to Government,  
Higher Education Department,  
Fort St. George, Chennai - 600 009.



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2.The Director of Technical Education,  
53, Sardar Patel Road,  
Guindy, Chennai - 600 025.

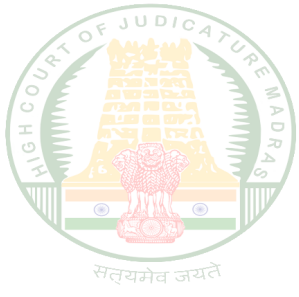
3.The Tamil Nadu Public Service Commission,  
TNPSC Road, Broadway,  
Chennai - 600 003.

4.The Government Polytechnic College,  
Perundurai, Erode.

**N.ANAND VENKATESH, J**

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**29.08.2024**