

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM

THE HONOURABLE MR. JUSTICE V.DHANAPALAN
and
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P.No.33501 of 2014

D.Mohan

... Petitioner

vs.

The State of Tamil Nadu rep. By
The Secretary,
BC, MBC & Minorities Welfare
Department, Fort St. George,
Chennai - 9.

... Respondent

(Cause title amended as per order dated
12.01.2015 in M.P.No.1 of 2015 in
W.P.No.33501 of 2014)

Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus directing the
respondent to consider the representation dated 01.11.2014 of
petitioner within time frame.

For Petitioner : Mr.A.Edwin Prabakar

For Respondents: Mr.R.Rajeswaran,
Spl. Govt. Pleader

ORDER

(Order of the Court was made by V.DHANAPALAN,J.)

Petitioner has filed this writ petition praying for the
issuance of a writ of mandamus to direct the respondent to consider
his representation dated 01.11.2014.

2.Heard the learned counsel for the petitioner.
Mr.R.Rajeswaran, learned Special Government Pleader takes notice for
the respondent.

3.It is the case of the petitioner that he belongs to Jain community and as per the policy decision of the Government of India, Jain Community is a minority community and it has been notified as backward community. It is the further case of the petitioner that the Principal Secretary to Government, by letter (MS) No.65 dated 01.10.2014, has categorically stated that by virtue of the notification dated 27.01.2014, the Jain community has been notified as minority community in addition to five communities viz., Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) and therefore, the privilege offered by the State Government to the minority community has to be extended to the members of the Jain community residing in the State of Tamil Nadu. Therefore, the petitioner has given a representation dated 01.11.2014 to the respondent seeking to declare and notify the Jain community as one of the Backward Classes community. Since the said representation has not been disposed of till date, the petitioner is before this Court with this writ petition.

4.The learned Special Government Pleader has produced a copy of the letter in Letter No.7279/11541/2014-2 dated 08.11.2014 and submitted that the representation of the petitioner to include the Jain community in the Backward Class has been forwarded to the Member Secretary, Tamil Nadu Backward Classes Commission for consideration. Therefore, the learned counsel for the petitioner submits that the said communication may be recorded and the writ petition may be disposed of.

5.The decision as to the inclusion of any community in a particular category is a matter for consideration by the authority concerned and the petitioner himself has admitted that the same has to be done, as per the policy decision of the Government. From the communication produced by the learned Special Government Pleader, it is seen that the representation of the petitioner has been forwarded to the appropriate authority viz., the Member Secretary, Tamil Nadu Backward Classes Commission. The said communication has been taken on record.

6.In view of the above, the writ petition is disposed of as the grievance of the petitioner has been redressed to the extent indicated above. No costs.

Sd/-

Asst.Registrar (Records)

/true copy/

Sub Asst. Registrar

mmi

To

1. The Secretary,
BC, MBC & Minorities Welfare
Department, Fort St. George,
Chennai - 9.

2. The Member Secretary
Tamilnadu Backward Classes
Commission

1 cc to Mr.A. Edwin Prabakar, Advocate, Sr. 5968
1 cc to Government Pleader, Sr. 5790

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