

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19535 of 2015 and
M.P.No.1 of 2015

T.Mohammed Thajudheen

... Petitioner

vs.

The Government of Tamilnadu,
Rep. by its Secretary,
Tamil Nadu Public Service Commission,
Frazzer Bridge Road,
Park Town, V.O.C.Nagar,
Chennai - 600 003.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondent to treat the petitioner as Backward Class Muslim while considering him for the post of Group-IV services in the light of the order in W.P.No.1048 of 2015 dated 05.06.2015.

For Petitioner : Mr.A.Ansar

For Respondent : Ms.C.N.G.Niraimathi for TNPSC

O R D E R

The petitioner, by birth, is a Hindu, belonging to Kongu Vellala Gounder community. He married one Shahira in the year 2004 and at that time, he embraced Islam and since then, he has been living as Muslim. He also obtained Community Certificate, dated 16.07.2014, issued by the Regional Deputy Tahdilsar, Bhavani to the effect that he belongs to Muslim Thakkani. It is recognised as Backward Class as per G.O.(Ms)No.28 Backward Classes and Most Backward Classes Welfare Department, dated 19.07.1994.

2. When Tamil Nadu Public Service Commission called for applications for Group IV examination for 2013-2014 and 2014-2015, he applied for the same. He got selected and he was called for certificate verification in Memo No.4311/PSD-G1/2015 dated 01.06.2015. The petitioner attended the certificate verification and submitted his certificates on 16.06.2015.

3. According to the petitioner, the official, who verified the certificates of the petitioner informed that he would be treated

under 'others' category and not under the Backward Community. Hence, the petitioner made a representation, dated 18.06.2015 to the respondent to consider him as Backward Class Muslim. Since no order is passed, the petitioner has filed this writ petition.

4. The learned counsel for the petitioner has submitted that the issue was covered by my judgment reported in 2014 (1) CWC 695 [MU.Aariffaa v. The Secretary to the Government, Chennai -9.]. However, the learned counsel for the respondent submitted that as against the said order, writ appeal was filed in W.A.Sr.No.23222 of 2014. But the writ appeal is yet to be admitted by this Court.

5. In these circumstances, I am of the view that the respondent shall consider the claim of the petitioner to treat him as Backward Class Muslim.

6. In fact, in W.P.No.1048 of 2015 dated 05.06.2015 [R.Ayesha v. The Government of Tamil Nadu, Rep. by its Secretary, Tamilnadu Public Service Commission], I directed the respondent to consider the petitioner therein as Backward Community Muslim. It is relevant to extract the following passages found in paragraphs 6 to 9 of the said judgment:-

"6. When the matter came up of for hearing on 03.06.2015, the learned counsel for the petitioner has submitted that the issue was covered by my judgment reported in 2014 (1) CWC 695 [MU.Aariffaa v. The Secretary to the Government, Chennai -9.]. However, the learned counsel for the respondent submitted that as against the said order, writ appeal was filed, but he is not aware as to whether any stay was granted. Hence, the matter is posted to day to get instructions as to whether any stay was granted.

7. Today, the learned Standing Counsel produced a letter dated 04.06.2015 issued by TNPSC. The letter discloses that the Commission has filed writ appeal in W.A.SR.No.23222 of 2014 and not even brought to admission.

8. In MU.Aariffaa's case (cited supra), after referring to various judgments of the Apex Court, I have considered the issue in detail and held that a Hindu Nadar, who belongs to Backward Class Community, on conversion to Islam as Labbai Muslim shall be considered as Backward Class Muslim.

9. In the light of the judgment referred to above, a direction is issued to the respondent to treat the petitioner as Backward Community Muslim while considering her for the post of Typist in Group IV Services.

Hence, I am of the view that the petitioner herein is also entitled to similar benefit.

7. In view of the above, the writ petition is disposed of by directing the respondent to treat the petitioner as Backward Class Muslim, while considering him for Group IV Services. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

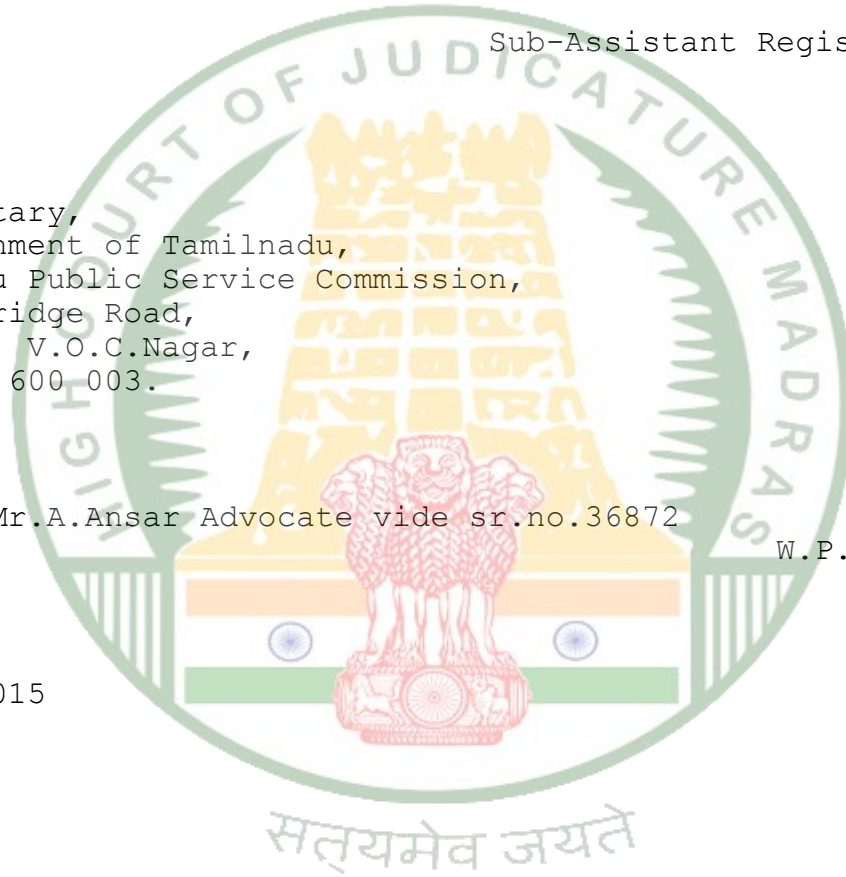
svki
To

The Secretary,
The Government of Tamilnadu,
Tamil Nadu Public Service Commission,
Frazzer Bridge Road,
Park Town, V.O.C.Nagar,
Chennai - 600 003.

+1 cc to Mr.A.Ansar Advocate vide sr.no.36872

W.P.No.19535 of 2015

skv(co)
aa27/07/2015



WEB COPY