



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.09.2017

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18340 of 2017

and

W.M.P. (MD) .Nos.14793 and 14794 of 2017

P.Abdul Rahman

.. Petitioner

Vs.

1. The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,
Anna Salai, Chennai.
2. The Superintendent of Police,
Madurai Rural,
Madurai District.
3. The Chief Medical Officer,
Melur Government Hospital,
Melur,
Madurai District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 & 2 to treat the petitioner as belonging to Backward Community (Muslim) and grant appointment to the petitioner (P.Abdul Rahman), Enrollment No.2410011, pursuant to the common recruitment for Gr.II Police Constable, Gr.II for Jail Warden and Fireman in the year 2017.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.P.Pugalendhi
assisted by
Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition for issuance of writ of mandamus, directing the respondents 1 & 2 to treat the petitioner as belonging to Backward Community (Muslim) and grant appointment to the petitioner (P.Abdul Rahman), Enrollment No.2410011, pursuant to the common recruitment for



Gr.II Police Constable, Gr.II for Jail Warden and Fireman in the year 2017.

2.The case of the petitioner is that originally, he belonged to Hindu Kallar Community and he converted to the religion of Islam and it was published in Tamil Nadu Government Gazette on 24.02.2016.

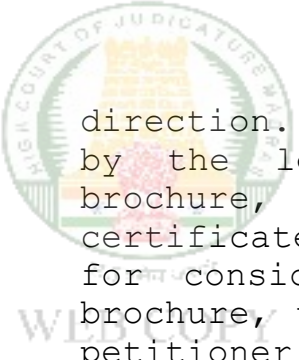
3.The petitioner would further state that the first respondent published the notification for appointment to the post of Gr.II Police Constable and he applied for the recruitment under the Backward Community (Muslim) Quota. Since the respondents have not considered the request of the petitioner to treat him as Backward Community, the present writ petition has been filed.

4.Heard Mr.M.Kannan, the learned counsel appearing for the petitioner and Mr.P.Pugalendhi, learned Additional Advocate General, appearing for the respondents.

5.The learned Additional Advocate General, appearing for the respondents submitted that the first respondent issued the Notification, dated 23.01.2017, for appointment to the post of Grade II Constable, fixing the last date for submission of the applications on 22.02.2017. It is further submitted that the written examination was conducted on 21.05.2017 and results were declared in the month of July 2017. The physical examination commenced on 27.07.2017 and completed on 05.08.2017. The petitioner has participated in the physical examination on 05.08.2017 and on the date of completing the physical examination itself, certificate verification had taken place. Provisional list was also published on 31.08.2017.

6.The learned Additional Advocate General, would also submit that the entire selection process was done, as per the direction issued by the Honourable Supreme Court of India. As per the direction, they have to publish the Provisional list on or before 31.08.2017. It was further submitted that the petitioner enclosed the community certificate dated 27.06.2011 stating that he belongs to Hindu Kallar Community and his name was 'Pitchai'. As per the brochure, the certificates enclosed with the OMR application alone will be taken up for consideration and no new certificates will be accepted during the original verification. Based on the community certificate dated 27.06.2011, enclosed along with the application the entire process was done. But after receiving the community certificate, dated 28.08.2017, the present writ petition has been filed.

7.Learned counsel for the petitioner contended that the petitioner already converted to Islam in the year 2016 and it was also published in the Gazette and when there is no dispute with regard to the religion of the petitioner, he is entitled for



direction. But, I am not able to agree with the submission made by the learned counsel for the petitioner, because in the brochure, the first respondent has categorically stated that the certificates enclosed with OMR application would alone be taken up for consideration. Accepting the condition indicated in the brochure, the petitioner applied for the post. Further though, the petitioner claimed to have converted to Islam, in the year 2016, however he got community certificate only on 28.08.2017.

8.It is also not in dispute that the respondents have already completed the process of selection to the post of Grade II Police Constable, as per the direction issued by the Honourable Apex Court.

9.In view of the above undisputed facts, this Court is of the opinion that the petitioner is not entitled to the relief sought for in the writ petition. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Vacation Officer(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Uniformed Services,
Recruitment Board,
Anna Salai, Chennai.
2. The Superintendent of Police,
Madurai Rural,
Madurai District.
3. The Chief Medical Officer,
Melur Government Hospital,
Melur,
Madurai District.

+1cc to Mr.M.Kannan, Advocate in SR.No.81235

+1cc to The Special Government Pleader in SR.No.81363

vs

AE/SV MMS/SAR4/03.10.2017/3P/6C

W.P (MD) No.18340 of 2017
27.09.2017