



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.9092 of 2016

and

W.M.P. (MD)Nos.7232 and 7233 of 2016

WEB COPY

P.Abdullah

... Petitioner
versus

The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road,
VOC Nagar, Park Town
Chennai - 600 006.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent to permit the petitioner to participate in the Certificate Verification (II Phase) Commencing from 06.05.2016 or any other date and appoint the petitioner in any one of the posts included in Group-IV Services, 2013-2014 & 2014-15 as per the overall rank and community rank secured by the petitioner (Registration No.260715015) within the time stipulated by this Court.

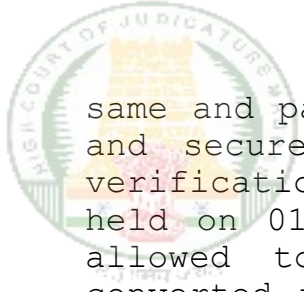
For Petitioner : M/s.T.Lajapathi Roy

For Respondent : Mr.D.Sivaraman
Standing Counsel

ORDER

The present writ petition has been filed seeking for the issuance of Writ of Mandamus, to direct the respondent to permit the petitioner to participate in the Certificate Verification (II Phase) Commencing from 06.05.2016 or any other date and appoint the petitioner in any one of the posts included in Group-IV Services, 2013-2014 & 2014-15 as per the overall rank and community rank secured by the petitioner (Registration No.260715015) within the time stipulated by this Court.

2. The case of the petitioner is that he originally belonged to SC (Parayar) Community and thereafter, he was converted into Islamic region. Therefore, he received a community certificate certifying that he belongs to BC(M) community. The respondent, vide its Notification dated 14.10.2014, called for applications for recruitment to the post of Junior Assistant and Typist Group-IV and other posts included in Group-IV services and he applied for the



same and participated in the written examination held on 21.12.2014 and secured 228 marks. After participating in the certificate verification held on 07.07.2015, he was called for counselling to be held on 01.12.2015. But, on the date of counselling, he was not allowed to attend the counselling stating that since he was converted into Islam, his candidature cannot be considered under BC (M) category. Hence, the petitioner filed a writ petition in W.P.(MD)No.23237 of 2015 seeking a direction to the respondent to treat him as a candidate belonging to the Backward Community (Muslim) and to consider his name for appointment to any one of the posts included in Group-IV Services, 2013-14 & 2014-15 as per the overall rank and community rank secured by him. This Court, vide order dated 22.12.2015, directed the respondent to consider the petitioner as Backward Class (Muslim) category for Group-IV services and permit him to participate in the counselling. Thereafter, the respondent informed the petitioner that since the first phase of certificate verification was already over, they would invite him for the next phase of counselling/certificate verification. The respondent has also published the list of register numbers for second phase of counselling/certificate verification. However, the petitioner's register number was not available in the list of second phase of counselling. Therefore, the petitioner has again filed the present writ petition for the very same prayer

3. Today, when the matter is taken up for consideration, the learned Standing Counsel appearing for the respondent submitted that as against the order passed in W.P.(MD)No.23237 of 2015, the respondent filed a Writ Appeal in W.A.(MD)No.1021 of 2016 and this Court, vide order dated 03.10.2016, granted interim stay.

4. In view of the submission made by the learned Standing Counsel appearing for the respondent that as against the order passed in W.P.(MD)No.23237 of 2015, the respondent filed a Writ Appeal in W.A.(MD)No.1021 of 2016 and this Court, vide order dated 03.10.2016, granted interim stay, the prayer sought for in the writ petition cannot be considered. It is open to the petitioner to work out his remedy before the Division Bench of this Court.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

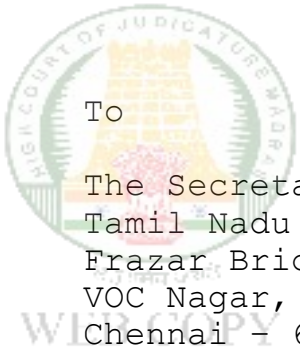
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To
The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road,
VOC Nagar, Park Town
Chennai - 600 006.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15106[F] dated 01/04/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-15084[F] dated 01/04/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15230[F] dated 01/04/2021)

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01.04.2021

RK (24.04.2021) 3P 5C