



W.P.No.36491 of 2007

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.36491 of 2007

Kandasamy Gounder
S/o Palani Gounder

.. Petitioner

v.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Law Department
Fort St.George
Chennai 600 009

2. The State of Tamil Nadu
rep.by its Secretary to the Government
Backward Classes Department
Fort St.George
Chennai 600 009

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Declaration, declaring Act 33 of 2007



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called the Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointment or post in the service under the State) Act 2007 is ultra vires and unconstitutional colourable exercise and discriminatory against the other Backward Classes in the list of notified Backward Classes on the ground of religion by providing exclusive reservation to one set of population among the Backward Classes on the basis of their population, while denying the remaining notified Backward Classes in the State of Tamil Nadu.

For Petitioner :: No appearance

For Respondents :: Mrs.R.Anitha
Special Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

None appeared for the petitioner.

2. It is submitted by the learned Special Government Pleader for the respondents that subsequently in the year 2008, the Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointment or post in the service under the State) Act 2007, stood amended



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and the reservation for Christians has been withdrawn.

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3. It is further submitted that the issue raised in the present petition has been referred to the Constitution Bench of the Hon'ble Supreme Court arising from the proceedings before the Andhra Pradesh High Court. In view of that, the fate of the present petition will in turn depend on the view, which would be taken by the Constitution Bench of the Supreme Court.

4. It would appear that the same challenge to the Act of 2007 was the subject matter before the Division Bench of this Court in Writ Petition Nos.31274 of 2007 etc., which were disposed of on 30th September, 2015, in view of the pendency of the matter before the Constitution Bench of the Hon'ble Supreme Court, as observed supra.

5. In the light of that, the present petition is disposed of with an observation that the petition would be governed by the decision taken by the Constitution Bench of the Supreme Court arising from Civil Appeal



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Nos.2628-2637 of 2010 (State of Andhra Pradesh and others v. T.Muralidhar Rao and others).

6. The writ petition, accordingly, stands disposed of. Consequently, M.P.No.1 of 2007 is closed. No costs.

(S.V.G.,C.J.)

(P.D.A.,J.)

Index : yes/no

07.06.2023

Neutral citation : yes/no

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To

1. The Secretary to Government of Tamil Nadu
Law Department
Fort St.George
Chennai 600 009

2. The Secretary to Government of Tamil Nadu
Backward Classes Department
Fort St.George
Chennai 600 009



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

SS

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