



W.P.(MD).No.2697 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2697 of 2021
and WMP(MD) Nos.2220 & 2221 of 2021

N.Jamaludeen

... Petitioner

Vs

The Tamil Nadu Public Service Commission,
Rep by its Secretary,
Park Town, Voc Nagar, Chennai-600 003.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Memorandum No. 6393/PSDF-1/2019, dated 22.09.2020 on the file of the respondent and quash the same as illegal and consequently for a direction, directing the respondent to select and appoint the petitioner in the Post of Typist under the category of BC (Muslim) in view of the marks secured by the petitioner in the written examination conducted on 01.09.2019 in the event of the petitioner coming within the zone of consideration within the time period stipulated by this Court.



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For Petitioner : Mr.
For M/s.Lajapathi Roy & Associates

For Respondent :
Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned order in Memorandum No. 6393/PSDF-1/2019, dated 22.09.2020 on the file of the respondent and consequently to direct the respondent to select and appoint the petitioner in the Post of Typist under the category of BC (Muslim) in view of the marks secured by the petitioner in the written examination conducted on 01.09.2019 in the event of the petitioner coming within the zone of consideration within the time period stipulated by this Court.

2.Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Perused the materials on record.

3.(i).The respondent has issued Notification No.19/2019, dated 14.06.2019 included in Combined Civil Services Examination-IV (Group-IV) 2018-19 to fill up 1091 posts of Assistant/Field Surveyor/Village



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Administrative Officer. The petitioner has applied for the post of Typist. The petitioner belonged to B.C(Muslim) category.

(ii).On 01.09.2019, the written examination was conducted, in which, the petitioner had secured 223.5 marks out of 300. The minimum qualifying marks for selection is 90. The petitioner's over all rank is 5740 and the communal rank under B.C(Muslim) category is 41. On the basis of marks secured by him, he was called for Certificate Verification by the respondent vide proceedings, dated 03.12.2019. The petitioner was directed to upload the documents from 05.12.2019 to 18.12.2019 in the e-Seva Centre run by the Government Cable TV Corporation.

(iii).Despite uploading the same, the petitioner was not provisionally selected for counseling. Hence, the petitioner made a representation, dated 03.02.2020 requesting to invite him for counseling. However, rejecting the request made by the petitioner, the impugned order, dated 22.09.2020 came to be issued by the respondent informing that since he has converted from Hindu to Islam, his communal category could not be treated as B.C(M) and he is classified under 'others' as per the Government clarification in letter, dated 17.05.2019 of the Backward Classes, Most



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Backward Classes and Minorities Welfare Department. Challenging the same, this writ petition came to be filed.

5. When the matter was taken up for hearing, my attention was drawn by the learned counsel for the petitioner to G.O.Ms.No.31, Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 09.03.2024. In the said order, the Government on the basis of representations received to consider the request of the Muslim minority community to treat the converts to Islam from Backward Classes, Most Backward Classes, Denotified Communities or Scheduled Castes as Backward Class Muslim for the purpose of 3.5% reservation provided in the Tamil Nadu Backward Class Muslims (Reservation of Seats in Educational Institutions and of appointments or posts in the services under the State) Act, 2007 has taken a decision to issue suitable instructions to all the District Collectors and Community Certificate Issuing Authorities that the converts to Islam from Backward Classes, Most Backward Classes, Denotified Communities or Scheduled Castes as Backward Class Muslim for availing 3.5% reservation provided in the Tamil Nadu Act 33 of 2007. It is pertinent to mention that this Court has already passed an interim



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order in favour of the petitioner on 12.02.2021 to keep one post vacant till the disposal of the writ petition.

6.In view of the same, this Court hereby directs the respondent to consider the case of the petitioner in line with G.O.Ms.No.31, Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 09.03.2024, within a period of twelve (12) weeks from the date of receipt of copy of this order.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

The Secretary,
Tamil Nadu Public Service Commission,
Park Town, Voc Nagar, Chennai-600 003.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.2697 of 2021
and WMP(MD) Nos.2220 & 2221 of 2021**

02.04.2024