



W.A.No.2813 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2813 of 2021
and C.M.P.No.18701 of 2021

Tamil Nadu Public Service Commission
Rep. by is Secretary
Frazer Bridge Road
V.O.C. Nagar
Chennai 600 003

... Appellant

Vs.

1.S.Sumaiya Parveen
D/o.Sellappan
(Previously known as S.Hemalatha
W/o.A.Saleem

2.State of Tamil Nadu
Represented by
Secretary to Government
Agricultural Farmers Welfare Department
Secretariat, Chennai 600 009

(R2 impleaded as proposed respondent vide
Court order dated 07.10.2025 made in
CMP.No.23499/2025 in WA.2813/2021
(MSRJ & RSVJ)

... Respondents



W.A.No.2813 of 2021

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 23.01.2020 made in W.P.No.8500 of 2019 and dismiss the Writ Petition.

For Appellant : Mr.I.Abrar Mohammed Abdullah

For Respondents : Mr.D.Shiva Kumaran - R1

Mr.G.Ameedius
Government Advocate - R2

JUDGMENT

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

The appellant had published a recruitment Notification No.9 of 2018, dated 03.05.2018, calling for applications to fill up the post of Agricultural Officer (Extension) in the Tamil Nadu Agricultural Extension Service.

2.The 1st respondent herein originally belonged to Hindu Kongu Vellalar community, which is classified as Backward Class (BC). Later, she married a Muslim man and converted to Islam. In view of her conversion, her original community certificate was cancelled and she was



W.A.No.2813 of 2021

issued with a Community Certificate as Backward Class Muslim (BCM) on 17.11.2017. It is in this background, she had applied for the said post of Agricultural Officer (Extension) in the Tamil Nadu Agricultural Extension Service, under the reservation of BC Muslim category and attached the community certificate dated 17.11.2017, in support of her communal status.

3.Tamil Nadu Public Service Commission (TNPSC), vide an e-mail communication dated 13.02.2019, informed the 1st respondent that due to change of her communal category, her results had been withheld in the consolidated mark list. Challenging the same, she filed a Writ Petition in W.P.No.8500 of 2019. The learned Single Judge, allowed the Writ Petition on 23.01.2019, by placing reliance on the decision of this Court in ***R.Ayesha v. The Government of Tamilnadu*** (CTC 2015 MHC 4840), and holding that in similar circumstances, when a Hindu Nadar candidate, who belonged to Backward Class Community and converted himself to Islam, was considered as belonging to Backward Community Muslim (BCM), and applying the said ratio, set aside the communication



W.A.No.2813 of 2021

dated 13.02.2019 and directed TNPSC to publish the results of the 1st respondent. This order is under challenge before this Court.

WEB COPY

4.The main contention of Mr.I.Abrar Mohammed Abdullah, the learned counsel for TNPSC, is that the Government has issued a letter dated 04.05.2017, directing to treat the cases of candidates like that of the 1st respondent under other category and not under BCM and therefore they are constrained to withhold the results of the 1st respondent.

5.The learned Government Advocate has produced a copy of G.O.(Ms).No.31, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, dated 09.03.2024, and submitted that the case of the 1st respondent herein was brought under BCM only with effect from 09.03.2024, and therefore, she cannot claim reservation under BCM, prior to that.

6.Mr.D.Shiva Kumaran, the learned counsel appearing for 1st



W.A.No.2813 of 2021

respondent, on the other hand, would submit that, all along, the converted Muslims were treated as BCM and therefore, the claim of the Government to treat her under others category is unjustified.

7.The G.O.(Ms).No.31, dated 09.03.2024 produced by the Government Advocate is a clarification as to the status of the converts to Islam from Backward Classes, Most Backward Classes and denotified Communities or Scheduled Caste. All that the Government Order says is that, 7 sects of Muslims were already notified as Backward Class Muslims as per Section 3(a) of the Tamil Nadu Act 45 of 1994, and therefore, it had directed the Commissioner of Revenue Administration to issue suitable directions to the District Collectors and the Community Certificate Issuing Authorities to treat such converts as Backward Class Muslim.

8.We do not endorse the objections raised by the Government Advocate stating that the BCM status for the converts to Islam from Backward Classes was done only through G.O.(Ms).No.31, with effect



W.A.No.2813 of 2021

WEB COPY

from 09.03.2024, especially when we find that G.O.(Ms).No.31 itself is only a clarification to the already existing declaration of such converts as BCM, as per Section 33(a) of the Tamil Nadu Act 45 of 1994. Thus, when the communal status of the 1st respondent herein was already classified as Backward Class Muslim (BCM) as mentioned above, withholding of her candidature is not only unjustifiable, but also illegal.

9.It is also not in dispute that apart from the claim of the Government, as well as the appellant, that the 1st respondent has to be considered under 'Others category', she is otherwise qualified to be included in the selection list.

10.At this juncture, the learned counsel appearing for TNPSC would submit that since no interim orders were passed in the Writ Petition or in the above Writ Appeal, they had already published the selection list and forwarded the same to the Government.

11.Since the entire action of the appellant as well as the stand



W.A.No.2813 of 2021

taken by the Government is wholly unjustified and illegal, we are of the view that the 1st respondent could be appointed under the original recruitment notification dated 03.05.2018, by directing the Government to create a supernumerary post.

12.In the result, the Writ Appeal stands dismissed. Consequently, there shall be a direction to the 2nd respondent herein to create a supernumerary post of Agricultural Officer (Extension) under the recruitment Notification No.9 of 2018 of TNPSC, dated 03.05.2018, and issue suitable appointment order to the 1st respondent herein, as expeditiously as possible, in any event, within a period of four (4) weeks from the date of receipt of copy of this order. The respondents are at liberty to supplant this supernumerary post with any future vacancy that may arise. No costs. Consequently, the connected C.M.P.No.18701 of 2021 is closed.

[M.S.R, J.]

[R.S.V, J.]

30.10.2025

kas

Index: Yes / No

Neutral Citation

Speaking / Non Speaking



WEB COPY



W.A.No.2813 of 2021

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

kas

To.

1.Secretary to Government
State of Tamil Nadu
Agricultural Farmers Welfare Department
Secretariat, Chennai 600 009

W.A.No.2813 of 2021
and C.M.P.No.18701 of 2021

30.10.2025