



W.P.(MD) No.5598 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.5598 of 2025

and

W.M.P.(MD)No.4095 of 2025

R.Karthick

... Petitioner

-Vs-

1.The Principal Secretary of the Health and
Family Welfare Department,
4th Floor of Namakkal Kavingar Maaligai,
Fort St.George, Chennai-600 009.

2.The Director of Public Health and
Preventive Medicine,
359, Anna Salai, Teynampet,
Chennai-600006.

3.The Chairman,
The Medical Services Recruitment Board (MRB),
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai-600006.

4.V.G.Geni

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct enquiry with regard to community certificate produced by the 4th respondent to the post of Assistant Surgeon conducted by the 3rd respondent in Notification No.01/MRB/2024, dated 15.03.2024 by considering the petitioner's representation dated 14.02.2025 within stipulated time as fixed by this Court.

For Petitioner : Mr.S.Ananth

For R1 & R2 : Mr.Ajmal Khan,
Additional Advocate General
assisted by Mr.P.Thilak Kumar,
Government Pleader

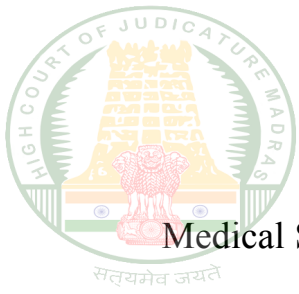
For R3 : Mr.V.Ramesh,
Standing Counsel

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that the 3rd respondent, vide Notification No.01/MRB/2024, dated 15.03.2024, invited applications for Direct Recruitment to the post of Assistant Surgeon (General) on temporary basis in Tamil Nadu



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Medical Service for filling up 2553 vacancies and published a list of provisionally selected candidates on 20.02.2025, wherein the name of the 4th respondent is found at Sl.No.1716. Further, she was called for certificate verification on 13.02.2025 at 3.30 p.m., and the certificate verification was also completed. It is the grievance of the petitioner that though the 4th respondent belongs to Christianity, she made application under Hindu religion as MBC / DNC community for the purpose of getting employment by producing false and fabricated community certificate. Pointing out the same, the petitioner has made a representation dated 14.02.2025 to the respondents 1 to 3. However, the same has not been considered so far. Hence, he has filed this Writ Petition, seeking for a direction to the respondents 1 to 3 to conduct enquiry with regard to the community certificate produced by the 4th respondent.

3.Relying upon the judgment rendered in the case of ***Bholanath Mukherjee and others Vs. Ramakrishna Mission Vivekananda Centenary College and others*** reported in ***(2011) 5 SCC 464***, Mr.Ajmal Khan, learned Additional Advocate General appearing for the respondents 1 and 2 would submit that since the matter pertains to service of an employee, this Writ Petition as Public Interest Litigation is not maintainable.



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4.Heard the learned counsel on either side and perused the materials available on record.

5.On perusal of the affidavit filed in support of this petition, it is seen that the issue involved in this petition is service of an employee. Therefore, this Writ Petition cannot be treated as a Writ in the nature of Public Interest Litigation. In the said decision reported in **(2011) 5 SCC 464** relied upon by the learned Additional Advocate General, it is stated as follows:-

“45.We are unable to accept the aforesaid submission made by the learned counsel. As noticed in the earlier part of the judgment, the entire pleadings in the writ petition are founded on the personal grievance of the appellant – writ petitioners. The writ petitioners have not come before this Court as educationists. Merely because they are senior most teachers in the same institution, would not necessarily give rise to the presumption that they had filed the writ petition in public interest. In our opinion, a pure and simple service dispute is sought to be camouflaged as a Public Interest Litigation.”

6.However, the issue raised by the writ petitioner was already considered in several judgments. in the latest judgment of Hon'ble Supreme Court in **C.Selvarani Vs. The Special Secretary-cum- District Collector and others** reported in **2025 (1) CTC 340 / (2024) 6 MLJ 577** it has been held as under:



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"15.At this juncture, we may observe that India is a secular country. Every citizen has a right to practise and profess a religion of their choice as guaranteed under Article 25 of the Constitution. One converts to a different religion, when he/she is genuinely inspired by its principles, tenets and spiritual thoughts. However, if the purpose of conversion is largely to derive the benefits of reservation but not with any actual belief on the other religion, the same cannot be permitted, as the extension of benefits of reservation to people with such ulterior motive will only defeat the social ethos of the policy of reservation. In the instant case, the evidence presented clearly demonstrates that the appellant professes Christianity and actively practices the faith by attending church regularly. Despite the same, she claims to be a Hindu and seeks for Scheduled Caste community certificate for the purpose of employment. Such a dual claim made by her is untenable and she cannot continue to identify herself as a Hindu after baptism. Therefore, the conferment of Scheduled caste communal status to the appellant, who is a Christian by religion, but claims to be still embracing Hinduism only for the purpose of availing reservation in employment, would go against the very object of reservation and would amount to fraud on the Constitution."

7.The petitioner had enclosed the baptized certificate, hence the genuineness of the certificate ought to be scrutinized. But the respondents herein



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are not the appropriate authority. Therefore, the petitioner is directed to submit a representation to the District Collector, Dindigul and the District Collector, Dindigul shall conduct enquiry after giving opportunity to the petitioner and the 4th respondent and also to the interested persons and thereafter, consider and pass orders. The said exercise shall be completed within a period of four months from the date of receipt of the copy of the order.

8.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
28.02.2025

NCC : Yes / No
Index : Yes / No

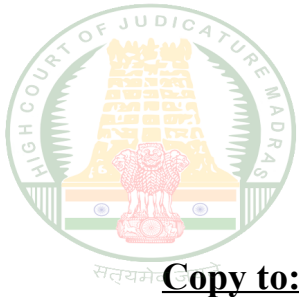
Yuva

To

1.The Principal Secretary of the Health and
Family Welfare Department,
4th Floor of Namakkal Kavingar Maaligai,
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2.The Director of Public Health and
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The District Collector,
Dindigul.



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AND

S.SRIMATHY, J.

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