



WEB COPY



WP No. 6810 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 6810 of 2017

and

WMP No.7378 of 2017

S.Mohamed Ayan

Petitioner(s)

Vs

1. The Secretary to Government
(P and AR) Department,
Fort St. George, Chennai-9.

2.The Chairman,
Tamil Nadu Public Service Commission Frazer Bridge Road,
V.O.C.Nagar, Chennai 600 003.

3.The Secretary,
Tamil Nadu Public Service Commission Frazer Bridge Road,
V.O.C. Nagar, Chennai 600 003.

4.The Under Secretary
Tamil Nadu Public Service Commission Frazer Bridge Road,
V.O.C.Nagar, Chennai 600 003.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for
issuance of writ of certiorarified mandamus, calling for the records of the impugned



WP No. 6810 of 2017

order passed by the 4th respondent in Memorandum NO.310308297/ Gr.IIA Non OT/
PSD-RF/ 2016 dated 01.12.2016 and quash the same.

WEB COPY

For Petitioner(s): Mr.MVVR.Ananth
for Mr.V.V.Sathya

For Respondent(s): Mrs.M.Jayanthi
Additional Government Pleader for
R1
Mr.K.Karthik Jaganath
Standing Counsel for R2 to R4
Special Government Pleader for
for R2 to R4

ORDER

The petitioner challenges the impugned order dated 01.12.2016 passed by the fourth respondent, whereby the petitioner's application for appointment to the post of Assistant was rejected on two grounds, namely: (i) that upon conversion to Islam, the petitioner falls under the "Others" category and not under the Backward Class category; and (ii) that he was over-aged.

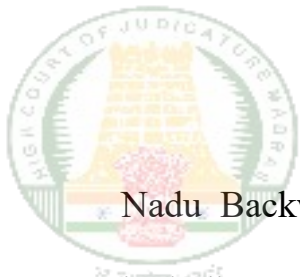
2. The petitioner possesses a B.A. degree and originally belonged to Hindu Vanniya Kula Kshatriya community, which is classified as Most Backward Class (MBC) as notified by the Government of Tamil Nadu. He converted to Labbai Muslim on 23.07.2015 and married a Muslim woman on 20.03.2016. Thereafter, he



was issued a Community Certificate certifying that he belongs to Backward Class Muslim (BCM).

3.The third respondent issued Recruitment Notification No.17/2015 dated 12.10.2015 inviting applications for the post of Assistant. The petitioner submitted his application seeking consideration under the Backward Class category. He appeared for the written examination. However, at the time of certificate verification, it was found that the petitioner had converted to Islam, and hence he was treated as falling under the “Others” category and not under the Backward Class category. Consequently, he was held ineligible for appointment under the Backward Class category and was also found to be over-aged for consideration under the “Others” category.

4. The learned counsel for the petitioner submitted that the Government has issued G.O.(Ms.) No.31 dated 09.03.2024, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, whereby it was ordered that persons who convert to Islam from Backward Classes, Most Backward Classes, Denotified Communities or Scheduled Castes shall be treated as Backward Class Muslims for the purpose of availing the 3.5% reservation provided under the Tamil



Nadu Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointment to Posts in the Services under the State) Act, 2007 (Tamil Nadu Act 33 of 2007). Therefore, the rejection of the petitioner's application on the ground that he belongs to the "Others" category is illegal, arbitrary, discriminatory and unsustainable in law.

5. In response, the learned Standing Counsel appearing for respondents 2 to 4 submitted that, as on the date of issuance of the recruitment notification, the petitioner was treated as belonging to the "Others" category and not to the Backward Class category. Hence, the rejection of his application was justified. It was further submitted that all the notified posts have since been filled up and no vacancy is presently available to accommodate the petitioner. However, it was fairly submitted that the petitioner had fallen within the zone of consideration and was otherwise qualified and eligible under Recruitment Notification No.17/2015 dated 12.10.2015 and Supplementary Notification No.18/2015 dated 20.10.2015, and that his case may be considered in future recruitment. Reliance was placed on the order of a Co-ordinate Bench of this Court in W.P. No.7217 of 2022 dated 09.12.2025.



WEB COPY

6. The learned Additional Government Pleader appearing for the first respondent adopted the submissions made by the learned Standing Counsel for respondents 2 to 4.

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

8. Admittedly, the petitioner originally belonged to Hindu Vanniya Kula Kshatriya community, classified as Most Backward Class (MBC). Subsequently, he converted to Labbai Muslim and was issued a certificate declaring him as Backward Class Muslim (BCM). A Division Bench of this Court, in W.P. No.2813 of 2025 dated 30.10.2025, at paragraph 8, held that the conferment of BCM status to converts to Islam from Backward Classes was clarified through G.O.(Ms.) No.31 dated 09.03.2024, and that the said Government Order is in the nature of a clarification of the already existing position under Section 33(a) of the Tamil Nadu Act 45 of 1994. It was further held that once the communal status stood classified as Backward Class Muslim, withholding candidature on that ground is illegal and unjustifiable.



9. The said Division Bench judgment squarely applies to the facts of the present case. As on the date of issuance of the recruitment notification, the petitioner's status was liable to be treated as Backward Class Muslim. Therefore, he was eligible for consideration and appointment under the Backward Class category. In the said judgment, the Division Bench also directed appointment under the original recruitment notification by creation of a supernumerary post. The decision relied upon by the learned Standing Counsel is distinguishable, as it does not consider Section 33(a) of the Tamil Nadu Act 45 of 1994 nor the binding Division Bench decision.

10. In view of the above discussion, the impugned order dated 01.12.2016 passed by the fourth respondent is unsustainable and is accordingly set aside.

11. The respondents 1 to 4 are directed to create a supernumerary post of Assistant under Recruitment Notification No.17/2015 dated 12.10.2015 and Supplementary Notification No.18/2015 dated 20.10.2015 and issue appropriate appointment orders to the petitioner as expeditiously as possible, in any event within a period of two (2) months from the date of receipt of a copy of this order. The respondents are at liberty to adjust the said supernumerary post against any future vacancy that may arise. The petitioner's appointment shall relate back to the date of



WP No. 6810 of 2017

the original notification for all notional purposes.

WEB COPY

12. With the above directions, this Writ Petition stands allowed. No costs.

Consequently, the connected Miscellaneous Petition is closed.

25-02-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 6810 of 2017

1. The Secretary to Government
(P and AR) Department,
Fort St. George, Chennai-9.

2. The Chairman,
Tamil Nadu Public Service Commission Frazer Bridge Road,
V.O.C. Nagar, Chennai-03

3. The Secretary,
Tamil Nadu Public Service Commission Frazer Bridge Road,
V.O.C. Nagar, Chennai-03

4. The Under Secretary
Tamil Nadu Public Service Commission Frazer Bridge Road,
V.O.C. Nagar, Chennai-03



WEB COPY



WP No. 6810 of 2017

HEMANT CHANDANGOUDAR J.
jd

WP No. 6810 of 2017

25-02-2026