
(2010) 12 MAD CK 0182

In the Madras High Court

Case No : Writ Petition No. 8322 of 2007 and O.A. No. 6637 of 2000

A.P. Arockiam

APPELLANT

Vs

The Director of most backward Classes and Donotified
Communities, The Special Deputy Collector and The Asst
Director of Employment Exchange

RESPONDENT

Date of Decision : 14-12-2010

Acts Referred:

Citation : (2010) 12 MAD CK 0182

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : A. Sivaji, for the Appellant; R. Murali, G.A. for R2 and R3, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—The Petitioner filed O.A. No. 6637 of 2000 before the Tamil Nadu Administrative Tribunal, seeking for a direction to the third Respondent to sponsor her name to the second Respondent to be appointed as a Secondary Grade Teacher with effect from 05.09.2000.

2. In view of the abolition of the Tribunal, the matter stood transferred to this Court and was renumbered as W.P. No. 8322 of 2006.

3. The Petitioner's name was not sponsored because her community was described as Christian Piramalai Kallar. In G.O. Ms. No. 28 Backward Classes and Most Backward Classes Welfare Department, dated 19.07.1994, the Government has classified the communal treatment of Christian converts and there is no reference to persons who have converted to Christianity also be eligible for such benefits arising out of the reservation made in favour of such communities. However, the Petitioner by an interim order dated 07.09.2000 was directed to be considered for the interview. The results of the interview is not known since the Tribunal itself directed the results to be kept in abeyance until further orders.

4. The contention of the Petitioner was that the school run under the supervision of the second Respondent namely Kallar Reclamation, preference are given to Piramalai Kallar Community candidates and if she is taken as a Piramalai Kallar, then there is every chance of her getting appointed to the post of Secondary Grade teacher.

5. In the counter affidavit filed by the second Respondent, it is clearly stated that conversion from Hindu religion to other religion such as Christianity can not bring preference as per the notification of the Government and once such candidates belonging to Most Backward Community converts themselves into Christianity, they are only considered as Backward Class and not as denotified Community. It is also stated that the only Hindu Piramalai Kallar community people are considered to be Denotified Communities by the order of the Government in G.O. Ms. No. 28 Backward Class and Most Backward Classes Welfare Department, dated 19.07.1994. It is because of that reason the Petitioner's name was not considered. It is also stated that the State Government, itself by a clarification issued by G.O. Ms. No. 7 dated 15.02.1999 had negated the claim of appointing candidates belonging to Piramalai Community solely on the basis of that community and had directed the recruitment to be made as per communal roster. In the light of the stand taken by the Respondents, the case of the Petitioner can not be upheld.

6. It must also be noted that when an association representing the case of the Piramalai Kallar Community came to challenge the preference given to Piramalai Kallar community people in the matter of selection to the schools run under the Kallar Reclamation department, this Court negated the exclusive reservation in favour of one community alone, whereas, there are as many as 49 notified communities. In doing so, this Court also drew inspiration from the judgment of the Constitution Bench of the Supreme Court in *E.V. Chinnaiah Vs. State of Andhra Pradesh and Others*, . In that judgment, the Supreme Court held that once there is a wider classification of a socially, economically and educationally backward community, there can not be any further sub-division within that class.

7. Under the circumstances, there is no case made out. Accordingly, the writ petition stands dismissed. No costs.