

WEB COPY

WP(MD)Nos.14200 of 2020 and 26376 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.08.2026

CORAM

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL**

WP(MD). Nos.14200 of 2020 and 26376 of 2022
and
WMP(MD).Nos.14130 of 2020, 19342, 20507, 20559 and 20560 of 2022

1.Thavamanidevi ... Petitioner in WP(MD)No.14200 of 2020
2.Brasil ... Petitioner in WP(MD)No.26376 of 2022

Vs

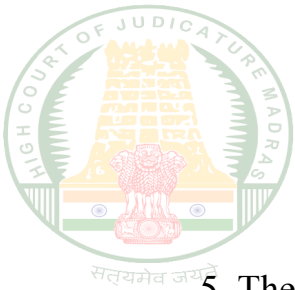
1. The Principle Secretary to Prime Minister,
Government of India,
South Block, New Delhi -110 011.

2. The Home Secretary,
Government of India,
North Block, New Delhi -110 001.

3. The Secretary,
Ministry of Social Justice and Empowerment,
Government of India,
Shastri Bhawan, New Delhi -110 001.

4. The Registrar General and Census Commissioner of India,
NDCC Bldg-II, 3rd Floor,
Jai Singh Road,
New Delhi -110 001.

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5. The Chairman,
National Commissioner For Backward Classes,
Government of India,
Trikoot-1, Bhihaji Cama Place,
New Delhi -110 066. ... Respondents 1 to 5 in both petitions

6. C.Vijayakumar,
S/o. Tr.K.Chelliah,
Director of Forensic Sciences Depdt., (Rtd.),
No.4/201,Tamarai Street,
Kurinji Nagar,
Aathikulam,Madurai - 625 014.
... 6th Respondent in WP(MD)No.14200 of 2020

[R6 is impleaded vide order dated 08.11.2022 in
WMP(MD)No.13597 of 2020]

PRAYER in WP(MD)No.14200 of 2020:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 28.7.2020 to include OBC category also in the House Listing Operation (HLO) and Population Enumeration (PE) before commencement of decennial census 2021.

PRAYER in WP(MD)No.26376 of 2022:-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, challenging impugned notification in file No. 12/7/2020-SS dated 15.09.2020 of the 2nd and 4th respondents and quash the same as illegal



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and unconstitutional and consequently directing the respondents to consider the petitioner's representation dated 12.08.2020 to include OBC category also in the House listing Operation (HLO) and Population Enumeration (PE) before commencement of decennial census 2021.

For Petitioner (in WP(MD)No.14200 of 2020)
: Mr.M.Thirunavukkarasu

For Petitioner (in WP(MD)No.26376 of 2022)
: Mr.A.Rajini

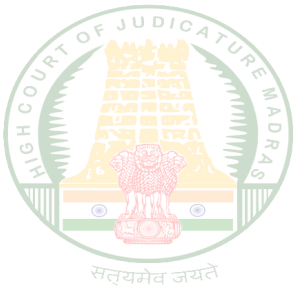
For Respondents : Mr.K.R.Laxman
Standing Counsel for R1 to R5
(in both petitions)

Mr.B.Thanga Aravind for R6
(in WP(MD)No.14200 of 2020)

COMMON ORDER

(Order of the Court was made by C.V.Karthikeyan, J.)

WP(MD)No.14200 of 2020 had been filed in the nature of a Mandamus seeking a direction to the respondents to consider the representation, by which the petitioner sought to include the OBC category in House Listing Operation (HLO) and Population Enumeration (PE) before commencement of the decennial Census, 2021.



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WEB COPY 2.WP(MD)No.26376 of 2022 had been filed in the nature of a Certiorarified Mandamus seeking to interfere with the notification dated 15.09.2020 of the respondents 2 and 4 and to direct the respondents to consider the petitioner's representation dated 12.08.2020 to include the OBC category also in the House listing Operation (HLO) and Population Enumeration (PE) before commencement of the decennial Census 2021.

3.A notification dated 15.09.2020 was issued, whereby the Union of India had decided, as a matter of policy, to stop caste-wise population enumeration other than that of the Scheduled Castes and Scheduled Tribes. This decision taken on 15.09.2020 was sought to be interfered with in the said writ petitions. In both the writ petitions, the relief sought is to include the OBC category in Census. However, we would only state that whether to include the OBC category or any other caste in the Census is a policy decision and is also a matter to be left to the individual members who provide data for the Census. They may choose not to state their caste. There cannot be any compulsion in this regard. As of now, the new Census procedure has started, and the rules governing the



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present Census, which is now underway, alone will prevail.

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4. Stating as above, and clearly indicating that it is not for the Courts to indicate the nature of the policy to be taken by the Government, both the Writ Petitions stand disposed of. Specifically, the impugned notification is not set aside. No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K., J.) & (R.S.V., J.)
27.08.2026

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NCC : Yes
To

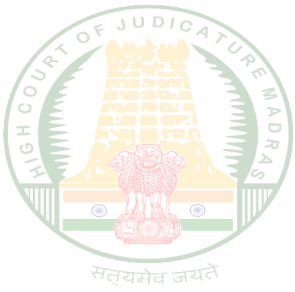
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and
R. SAKTHIVEL, J.

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5. The Chairman,
National Commissioner For Backward Classes,
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