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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-11-2026

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE M.D.SUMATHI

WP(MD) No. 32363 of 2026

CNR:{HCMD011628662026}

Case QR

G.Kodeeswaran Residing At Door No.1/7,
V.O.C. Street, Therkutheru,
Melur Taluk, Madurai District - 625 122

..Petitioner(s)

Vs

1.The State of Tamil Nadu
Rep. by its Principal Secretary
to Government, Backward Classes,
Most Backward Classes and,
Minorities Welfare Department,
Secretariat, Fort St. George,
Chennai – 600009

2.The State of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
Human Resources Management Department,
Secretariat, Fort St. George, Chennai - 600 009.

3.The Tamil Nadu Backward Classes Commission,
Rep. by its Member Secretary,
TNHB Commercial Building, Second Floor,
No.161 (71/6), Dr. Muthulakshmi Salai
(L.B. Road), Thiruvanmiyur, Chennai – 600 041

4.The Secretary to Government,
TNPSC, Chennai – 600 003.
(R-4 is *suo motu* impleaded vide order
dated 12.11.2026)

..Respondent(s)

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that Schedule-I to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016), insofar as it includes the communities in Sl.Nos.17, 18, 66, 67, 78 (to the extent it includes Christian Nadar, Christian Shanar and Christian Gramani) and 138 of Part A, and Sl.Nos.20, 31, 32 (to the extent it includes the Converts to Christianity in Meenavar, Parvatharajakulam, Pattanavar and Sembadavar) and 33 (to the extent it includes the Converts to Christianity in Mukkuvar or Mukayar) of Part C, as set out in paragraph 8 of the affidavit, is ultra vires the Constitution, being violative of Articles 14, 15(1) and 16 of the Constitution of India, unconstitutional, null and void, and consequently direct the Respondents to delete the said communities from Schedule-I to the said Act and from the List of Backward Classes, Most Backward Classes and Denotified Communities.

For Petitioner(s): Mr.K.Suresh

For Respondent(s): Mr.M.Kannan,
Special Government Pleader
for R-1 to R-3.

Mr.V.Panneerselvam for R-4.

ORDER

(Order of the Court was made by G.R. SWAMINATHAN J.)

There is nothing axiomatic or eternal about one’s OBC status. A clear case has to be made out for inclusion or retention in the OBC list. Merely because some entities have enjoyed the privilege of reservation for a few decades, would that necessarily mean that the original inclusion was

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constitutionally justified? We answer in the negative. As and when a challenge is mounted, the Government is obliged to demonstrate to the Court's satisfaction that inclusion or retention of the concerned entity in the OBC list is constitutionally warranted or justified.

2. The Petitioner's counsel startled us by asserting that if a Brahmin gets converted and joins CSI denomination, he can enjoy OBC status as per the present statutory framework. If this assertion is true, then a serious re-think is certainly called for.

3. This writ petition raises profound constitutional questions that strike at the very foundation of the reservations jurisprudence in the State of Tamil Nadu. The petitioner, a youth hailing from the Kallar community, which is a notified Backward Class, has applied for the Combined Civil Services Examination IV (Group IV Services) pursuant to Notification No. 11/2026 issued by the Tamil Nadu Public Service Commission. Competing for the turns reserved for Backward Classes, the petitioner approaches this Court with a concrete and immediate grievance. He contends that the reservation pool meant for genuinely backward classes is being unconstitutionally diluted by the inclusion of various Christian denominations and converts, who have never been subjected to any empirical test of social and educational backwardness as mandated by Article 16(4) of the Constitution of India.

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4. The challenge is mounted against specific entries in Schedule I to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Specifically, the petitioner assails Entries 17, 18, 66, 67, 78 (insofar as it includes Christian Nadar, Christian Shanar, and Christian Gramani), and 138 of Part A (List of Backward Classes), alongside Entries 20, 31, 32, and 33 of Part C (List of Most Backward Classes). These entries collectively confer Backward Class or Most Backward Class status on various Christian communities and converts to Christianity.

5. The petitioner paints a thoroughly disconcerting picture of how these communities found their way into the statutory schedules. The historical facts surrounding these inclusions have been set out in the affidavit filed in support of the writ petition. In its report in 1970, the First Backward Classes Commission, headed by Thiru A.N. Sattanathan, explicitly declined to examine the claims of Christian communities for inclusion. Even more strikingly, the Second Backward Classes Commission, headed by Thiru J.A. Ambashankar, explicitly rejected the inclusion of Christian converts from the Backward Classes. In its 1985 report, the Ambashankar Commission placed "Christian (Converts from B.C.)" under Code 902 in the list of communities found not eligible for inclusion.

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6. The Petitioner submits that in blatant disregard of the findings of the State's own expert body, the executive issued G.O.Ms.No.558 dated 24.02.1986, including all converts to Christianity from the Hindu Backward Class communities in the list. Similarly, Christian Nadars, Shanars, and Gramanis were inducted vide G.O.Ms.No.2029 dated 05.08.1983 while the Ambashankar Commission was still conducting its inquiry. Other groups, such as the Latin Catholics and the C.S.I. Christians (formerly S.I.U.C.), were simply carried over on the basis of concessions they enjoyed in the erstwhile Travancore-Cochin State, as admitted in the 2011 Report of the Tamil Nadu Backward Classes Commission titled "*Justification of Reservation under the Tamil Nadu Act 45 of 1994 on Quantifiable Data*". According to the petitioner, in none of these instances, was there any objective, quantifiable data collected to demonstrate the social and educational backwardness of these groups in the State of Tamil Nadu.

7. The Petitioner contends that the law on this subject is no longer res integra. Article 16(4) permits reservation solely in favour of a backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. He relied on a slew of decisions in support of his contention. In ***Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217*** the Hon'ble Supreme Court held that while occupational groups or sects among non-Hindus may be classified as backward, this can only be done if, upon

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proper identification, they are factually found to be socially backward. The opinion of the State must rest on objective material. In ***M. Nagaraj v. Union of India, (2006) 8 SCC 212***, a Constitution Bench of the Hon'ble Supreme Court mandated that the State must justify its classification on the basis of quantifiable and demonstrable data. This position was recently affirmed by a larger Bench in ***State of Punjab v. Davinder Singh, (2025) 1 SCC 1.*** That antiquated data or historical concessions cannot sustain a classification under Article 16(4) is a proposition well established by the Hon'ble Supreme Court in ***Ram Singh v. Union of India, (2015) 4 SCC 697***, and ***Pattali Makkal Katchi v. A. Mayilerumperumal, Civil Appeal No. 2600 of 2022***.

8. The Petitioner submits that the foundational premise of these impugned Entries stands severely compromised by the latest pronouncement of the Hon'ble Supreme Court in ***The Secretary to Government v. Sameer Ahamed***, ***2026 SCC OnLine SC 2187***. It has been laid down in absolute terms that change of religion cannot, by itself, establish a new birth-based community identity and that the legal consequence of conversion cannot be treated as a one-way bridge by which the old caste is simultaneously extinguished for one purpose and transported into a different community for another purpose. The relevant extract of the Order is as follows:

"e) **No statutory benefit, protection, reservation or other entitlement under Article 16(4) of the Constitution, the**

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> **enjoyment of which is predicated upon a particular Hindu social order, can be claimed or extended merely** on the basis of such antecedent membership after the person has converted to Islam, **Christianity or any other non-Hindu social order**. Such conversion severs the legal foundation of an entitlement which is specifically conditioned upon membership of that Hindu social order.".

9. Further, the Petitioner drew our attention to the impugned entries which reveal some deeply unsettling anomalies. Entry 18 of Part A confers Backward Class status on members of the Church of South India (C.S.I. formerly S.I.U.C.). As per the pleadings of the Petitioner, the CSI is a colossal ecclesiastical institution comprising approximately 4 million members, governed by a central Synod, and possessing vast assets including a reported revenue of over Rs. 3067 crores for the financial year 2024-25. In effect, he contends that any individual, ***including a member belonging to a forward class***, can instantly claim Backward Class status merely by acquiring membership in the CSI through baptism. This effectively outsources the determination of statutory reservation status to a private religious body. Such a mechanism directly offends the principles laid down in ***Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development, (1994) 6 SCC 241, and Vishwa Lochan Madan v. Union of India, (2014) 7 SCC 707,*** which hold that a private

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religious/social body cannot be vested with the authority to determine statutory status.

10. The Petitioner also points out that an even more glaring anomaly is found in the differential treatment meted out to different categories of converts. Under Entry 17 of Part A, a person from the Scheduled Castes who converts to Christianity is deemed a Backward Class. The 2016 Act itself, via the Explanation to Section 3(w), rightly acknowledges that a person professing Christianity cannot be deemed a member of a Scheduled Caste. However, under Entries 31, 32, and 33 of Part C, individuals from certain Most Backward Classes (such as the Meenavar, Parvatharajakulam, and Mukkuvar) who convert to Christianity are permitted to retain their Most Backward Class status. The Petitioner posits that the consequence is that an erstwhile Scheduled Caste convertee, whose ancestors suffered the most egregious forms of historical untouchability, is relegated to the Backward Class category upon converting to Christianity. In stark contrast, an erstwhile MBC convertee to the very same faith continues to enjoy the highly sought after ‘Most Backward Class’ quota. The Petitioner contends that in effect, the State has thus engineered a legal fiction where the SC convertee is structurally disadvantaged in relation to the MBC convertee.

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11. It is the Petitioner's case that the fundamental right to equality of opportunity guaranteed under Article 16(1) to genuine members of the Backward Classes cannot be sacrificed at the altar of political expediency. He relies on the recent order of the Hon'ble Supreme Court in ***Union of India v. Rohith Nathan, (2026) 6 SCC 1***, where it was held that if the identification of a class is arbitrary, it leads to the illegal exclusion of genuine claimants from the benefit of reservation. Therefore, the petitioner argues that placing the backward classes on the same pedestal as those who have not been empirically shown to be backward amounts to treating unequals equally.

12. In view of the aforesaid submissions of the Petitioner, we are satisfied that the petitioner has established a prima facie case that warrants deep constitutional scrutiny. The factual assertions regarding the lack of objective data, the explicit disregard of the Recommendations of the Expert Commissions, and the arbitrary nature of the classifications raise serious doubts about the constitutional validity of the impugned entries in Schedule I of the 2016 Act.

13. In light of the above, the writ petition is admitted.

14. The normal rule is to order notice returnable by eight weeks. Hence, eight weeks is ordered. The learned counsel for the petitioner states that there is

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some urgency because the recruitment processes are presently ongoing. The petitioner is permitted to take out an interim application.

(G.R.S.,J.) & (M.D.S.,J.)
12-11-2026

PMU

To

1.The Principal Secretary to Government
Backward Classes, Most Backward Classes and
Minorities Welfare Department, Secretariat, Fort
St. George, Chennai – 600009.

2.The Principal Secretary to Government
Human Resources Management Department
Secretariat, Fort St. George, Chennai - 600 009

3.The Tamil Nadu Backward Classes Commission
represented by its Member Secretary
TNHB Commercial Building, Second Floor
No.161 (71/6), Dr. Muthulakshmi Salai
(L.B. Road), Thiruvanmiyur, Chennai - 600041

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M.D.SUMATHI, J.

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