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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-11-2026

CORAM

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

AND

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

WMP(MD) No. 25139 of 2026

CNR:{HCMD011649832026}

Case QR

in

WP(MD)No.32363 of 2026

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

..Petitioner(s)

Vs

1. The State of Tamil Nadu
   Represented 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,
   represented by its 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

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(L.B. Road),
Thiruvanmiyur, Chennai - 600041

4. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bridge Road, V.O.C.Nagar,
Park Town,
Chennai - 600 003
(R4 impleaded suo motu vide order dated
12.11.2026 in W.P.(MD)No.32363 of 2026)

..Respondent(s)

PRAYER: To grant an order of INTERIM INJUNCTION restraining the 4th Respondent, from publishing the final selection list, conducting counselling and issuing orders of appointment in respect of the turns reserved for Backward Classes (other than Backward Class Muslims) and Most Backward Classes / Denotified Communities under Notification No. 11/2026 (Advertisement No.747) dated 06.10.2026, insofar as candidates claiming reservation under the communities in Sl.Nos. 17, 18, 66, 67, 78 (to that extent it includes Christian Nadar, Christian Shanar and Christian Gramani) and 138 of Part A and Sl.Nos.20, 31, 32 (to that extent it includes the Converts to Christianity in Meenavar, Parvatharajakulam, Pattanavar, Sembadavar) and 33 (to that extent it includes the Converts to Christianity in Mukkuvar or Mukayar) or Part C of Schedule-I to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 are concerned and restraining the respondents 1 to 3 to treat the impugned entries as Backward/Most Backward Classes pending disposal of the above writ petition.

For Petitioner :Mr.K.Suresh

For Respondents :Mr.Raju Ramachandran,
Senior Counsel

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Assisted by Ms Shruti Narayan and
Mr.M.P.Senthil,
Spl. Govt. Pleader for R1.
Mr.Vijay Narayanan,
Advocate General,
Assisted by Mr.M.Kannan,
Spl. Govt. Pleader for R2.
Mr.P.V.Balasubramanian,
Addl. Advocate General,
Assisted by Mr.M.Mohaboob Athiff,
Spl. Govt. Pleader for R3.
Mr.B.Saravanan,
Addl. Advocate General,
Assisted by Mr.V.Pannner Selvam,
Standing Counsel for R4.

ORDER

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

The writ petitioner challenges certain entries in Schedule-I to the Tamil Nadu Government Servants' (Conditions of Service) Act, 2016 conferring Backward class or Most Backward class status on various Christian communities and converts to Christianity. The writ petition was admitted by the Madurai Bench on 12.11.2026 and *rule nisi* was issued. Since TNPSC has issued recruitment notifications for filling vacancies in Group – IV services, the petitioner thought it fit to move an application for interim stay. The same was listed today for hearing.

2.The learned counsel for the petitioner made elaborate submissions and we could cull out the following questions therefrom:-

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*"1. After **Sameer Ahamed (2026 INSC 1129)**, can backwardness rooted in the Hindu caste system be carried across conversion to Christianity, so that the caste of origin becomes the test for inclusion, as in Entries 17 and 138 of Part A and Entries 31, 32 and 33 of Part C?*

2. Can membership of a Church, namely the C.S.I. formerly S.I.U.C. and the Latin Catholics, acquired by baptism and proved by a certificate from the clergy, by itself make a person a member of a "backward class of citizens"?

3. Can communities be kept in the BC and MBC lists under Articles 15(4) and 16(4) when they have never been identified, on relevant and objective criteria and quantifiable data, as socially and educationally backward and inadequately represented in the services of the State?

4. Is it arbitrary under Article 14 to treat converts differently with no reason recorded? Scheduled Caste converts, who suffered the severest disabilities, are placed only in BC. Converts from Meenavar, Mukkuvar and Paravar keep MBC status. Converts from every other MBC and Denotified community drop to BC.

5. Whether communities professing Christianity, a faith that does not recognise caste, can be treated as socially backward under Article 16(4) when no Commission has ever found them to suffer social backwardness, as distinct from educational or economic backwardness, so as to sustain the Impugned Entries in

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Schedule-I to Tamil Nadu Act 14 of 2016?

6. Is Entry 17 of Part A valid, given that it treats a person's lost Scheduled Caste status as the sole qualification for BC status, when paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 and the Explanation to Section 3(w) of the 2016 Act say a convert is no longer a Scheduled Caste?

7. Can backward-class status under Article 16(4) be inherited without any time limit "irrespective of the generation of conversion", contrary to the rule that reservation cannot become hereditary or permanent?

8. Do the Impugned Entries, taken together, amount to classification based only on religion, which Articles 15(1) and 16(2) prohibit?

9.Could G.O.Ms.No.558 dated 24.02.1986 and G.O.Ms.No.2029 dated 05.08.1983 validly include these communities, when the Ambashankar Commission found them not eligible and the Sattanathan Commission declined to examine them?

10. Can entries made between 1957 and 1986 be kept on the basis of old data and never revised, despite the State's duty of periodic review (Indra Sawhney, para 861(A)?

11. Is a genuine Backward Class candidate's fundamental right under Articles 14 and 16(1) violated when the turns reserved for Backward Classes under Section 27(a) of the 2016 Act are filled by candidates under entries never shown to be backward

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(Rohith Nathan, para 81)?

12. Can a group be included in the BC list only on its own representations, a "self-proclaimed" claim of backwardness, and against the contrary finding of the State's own expert Commission, without strong and compelling reasons recorded in writing?"

3.Shri.Raju Ramachandran, learned Senior Counsel appearing for the first respondent, with his characteristic lucidity and persuasiveness, questioned the very locus and bona-fides of the petitioner. He reminded the Court that reservation for Christians enjoys protection under the Schedule-IX of the Constitution of India. While submitting that the State would file its counter in the main writ petition, he sought two weeks time to argue the interim application. According to him, there is no case for grant of any interim relief. He also gave a broad over-view of his proposed submissions.

4.The learned Advocate General submitted that W.P. No. 46799 of 2026 carrying an identically worded prayer was filed before the Division Bench in the Principal Seat and that order has been passed yesterday i.e., 18.11.2026 for placing the papers before the Hon'ble Chief Justice for potentially constituting a Larger Bench.

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5.We wondered as to how there could be a direction for constituting a Larger Bench. We, therefore, decided to verify for ourselves before signing the order. The order of the Coordinate Bench reads as follows:-

> *"The learned Advocate General representing the State submitted that a writ petition with an identical prayer is pending before the Madurai Bench of the Madras High Court in W.P.(MD).No.32363 of 2026.*
>
> *2. Therefore, it is appropriate to place this matter before the Hon'ble Chief Justice for necessary orders to tag this case along with W.P.(MD).No.32363 of 2026, so that both matters may be heard together before the appropriate Bench."*

6.It is to be clarified that no suggestion for constituting a Larger Bench has been made.

7.We deem it appropriate to make an observation. That this writ petition has been admitted and *rule nisi* has been issued is to the knowledge of everyone. No one can plead ignorance. When the Madurai Bench is seized of the matter, the very filing of a writ petition with the same prayer, smacks of lack of bonafides. More so, when it is by a lawyer who is the petitioner therein. It appears to be an attempt at forum shopping. It is time to issue a practice direction to prevent such attempts

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in the future. It is well settled that principles of res-judicata, being a rule of public policy, can be invoked when fundamental rights are dealt with in writ petitions. (vide ***Daryao v. State of U.P., 1961 SCC OnLine SC 21).*** The Hon'ble Division Bench of the Madras High Court in the decision reported in ***2004 SCC OnLine Mad 665 (vide V.Subramanian vs Union of India)*** extended the principles of res judicata to cases where the parties are not the same. The relevant portion reads as follows:

> *"8... Even though Section 11 of Code of Civil Procedure is applicable to a later litigation only between the same parties, the principles underlying the said provision can be extended even where the parties are not the same, like the instant case, which is a public interest litigation and in a PIL, parties need not be same and invariably to avoid the effect of res judicata, different parties can file a PIL touching upon the same issue, but by the said strategies, the analogy under Section 11 of Code of Civil Procedure cannot be defeated."*

8.The same logic underlying res judicata also applies to res Sub judice, both being rules of public policy. Section 10 of CPC reads as follows:

> ***"10. Stay of suit .-***
> *No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in [India] having jurisdiction to*

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grant the relief claimed, or in any Court beyond the limits of [India] established or continued by [the Central Government] and having like jurisdiction, or before [the Supreme Court].”

9.The object underlying Section 10 has been elucidated by the Hon’ble Supreme Court in ***National Institute of Mental Health & Neuro Sciences v. C. Parameshwara, (2005) 2 SCC 256*** in the following terms:

> *“8.* ***The object underlying Section 10 is to avoid two parallel trials on the same issue by two courts and to avoid recording of conflicting findings on issues which are directly and substantially in issue in previously instituted suit****… The object of Section 10 is to prevent courts of concurrent jurisdiction from simultaneously trying two parallel suits between the same parties in respect of the same matter in issue. The fundamental test to attract Section 10 is, whether on final decision being reached in the previous suit, such decision would operate as res judicata in the subsequent suit.* ***Section 10 applies only in cases where the whole of the subject-matter in both the suits is identical.*** *The key words in Section 10 are “the matter in issue is directly and substantially in issue” in the previous instituted suit. The words “directly and substantially in issue” are used in contradistinction to the words “incidentally or collaterally in issue”. Therefore, Section 10 would apply only if there is identity of the matter in issue in both the suits, meaning thereby, that the whole of the subject-matter in both the proceedings is identical”*

10.No doubt, the petitioner in the Principal Seat is not claiming

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under the petitioner. He is an independent person by himself. But then, the cause of action is one and the same and the relief sought is also one and the same. Just as CPC gives precedence to the suit instituted first, there is no reason why the very same approach cannot be extended to writ petitions challenging the vires of a Statute. In fact, the subsequently instituted writ proceedings should be made to abide the outcome of the first instituted writ petition. This alone would constitute good practice and can prevent multiplicity of litigations. The subsequent writ petitioner could very well have filed an intervention in the first writ petition. However, these are just our thoughts.

11.The learned counsel on either side agreed that pleadings would be completed at the earliest and that the matter can be taken for final hearing by this Court on 18.12.2026.

12.It is needless to mention that this order would certainly abide by the order to be passed by the Hon'ble Chief Justice who is the master of roster.

(G.R.S.,J.) (M.D.S.,J.)
19-11-2026

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   Backward Classes
   Most Backward Classes and
   Minorities Welfare Department
   Secretariat
   Fort St. George
   Chennai - 600009

2. represented by its 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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