

W.P.(MD)No.17389 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2026

CORAM

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

W.P.(MD)No.17389 of 2026
and

W.M.P.(MD)Nos.12863, 12864 and 13614 of 2026

Jenesh Satheesh Mathew

... Petitioner

vs.

1.The District Collector,
Kanyakumari District.

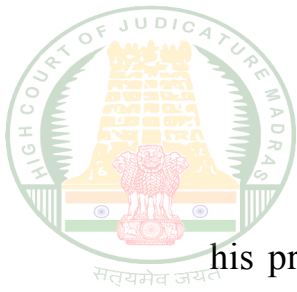
2.The Sub-Collector,
Padmanabhapuram, Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

4.The Indian Institute of Technology Madras,
Rep. by its Director,
Sardar Patel Road,
IIT Post Chennai - 600 036.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd Respondent in



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his proceedings in Application No. TN-6202606121843, Transaction in Reference No. TNC1T000000013569107 dated 12.06.2026 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently, to direct the 3rd Respondent to issue OBC-NCL certificate to the petitioner.

For Petitioner	:Mr.A.Saravanan
For R1 to R3	:Mr.M.P.Senthil Counsel for the State of Tamil Nadu
For R4	:Mr.AR.L.Sundaresan Assistant Solicitor General for Mr.Menon Karthick *****

ORDER

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

The Writ Petition has been filed in the nature of a Certiorarified Mandamus calling for the records relating to an order passed by the 3rd respondent, Tahsildar, Vilavancode Taluk and Kanyakumari District in proceedings dated 12.06.2026 and consequently, to direct the said respondent to issue OBC-NCL certificate to the petitioner herein.

2.In the affidavit filed in support of this petition, it had been contended that the petitioner belongs to Other Backward Class (OBC)



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community, as recognised by the Government of India and had applied through online for OBC-NCL certificate on 12.11.2024. A certificate had been issued, which was valid from 19.11.2024 to 31.03.2025. After the expiry, the petitioner again applied for another OBC-NCL certificate on 31.03.2025 and the same had also been issued, which was valid till 31.03.2026. After the expiry of that particular certificate, the petitioner again submitted an online application on 17.04.2026. The petitioner had necessity to obtain this particular certificate, since he intended to pursue his higher studies in the Indian Institute of Technology, Madras. This application, dated 17.04.2026 was rejected with a comment “approved”, which would mean the application is approved but the status was given as “application rejected”, which would again mean that the application has been rejected. This was on 02.05.2026 by order of the 3rd respondent.

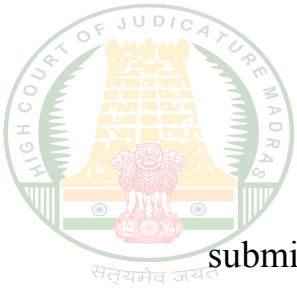
3.The petitioner, as we also are, was equally confused and submitted another online application on 11.05.2026. This was also rejected by the 3rd respondent on 18.05.2026. The petitioner then sent an electronic mail to the District Collector on 18.05.2026 questioning the rejection of his application. The first respondent had not issued any reply.



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4.The petitioner then preferred an appeal to the Sub Collector, Padmanabhapuram/the second respondent against the rejection of his application by the 3rd respondent/Tahsildar, Vilavanconde Taluk. The said appeal was rejected by the Sub Collector/2nd respondent on 27.05.2026. It was alleged that the income certificate was not enclosed and the petitioner's father was contacted by the 3rd respondent enquiring about his income. The father of the petitioner sent his salary slip, which reflected that the father was working as Senior Project Manager with Qatar Design Consortium at Doha, and was drawing a monthly salary equivalent in Indian Rs.7,28,000/-. This would indicate that the annual income was Rs.87,36,000/-. Holding that on this ground that the income was more than the ceiling, the application of the petitioner had been rejected. The petitioner then filed W.P.(MD)No.14985 of 2026 and a learned Single Judge of this Court permitted the petitioner to submit a fresh application again giving all necessary details. Thereafter, the petitioner submitted a fresh application on 09.06.2026 enclosing the income particulars to the respondents. This was again stating rejected that the salary certificate and other documents have not been submitted. The petitioner, therefore,

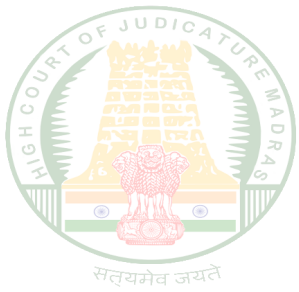


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submitted another application on 12.06.2026 enclosing all the requisite documents. This application was again rejected on the same day stating that the annual income of the father of the petitioner was Rs.92,28,000/- which exceeded the prescribed income ceiling. Aggrieved by this order, the present Writ Petition had been filed.

5.It is to be noted that the petitioner is in serious urgency to obtain this particular certificate, since as mentioned above, he intended to join the Indian Institute of Technology at Chennai, where he had applied for the Instrumentation and Biomedical Engineering course for this academic year/2026-2027.

6.We were informed by the learned Assistant Solicitor General, who appeared for the Indian Institute of Technology, that this certificate/OBC-NCL certificate should be furnished on or before 15.07.2026, which was the final date for completion for enrollment of students to that particular course and that the course would commence on the very next day.



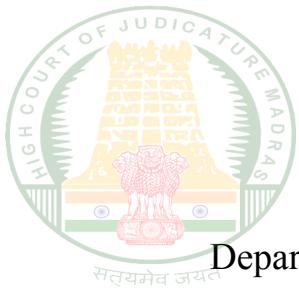
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7.Counter had been filed on behalf of the 3rd respondent/Tahsildar, who justified his decision to reject the certificate. In the counter affidavit after narrating the various applications filed by the petitioner herein, it had been stated that the recent order, dated 11.03.2026 of the Hon'ble Supreme Court of India in Civil Appeal Nos.2827-2829 of 2018, would not be directly applicable to the petitioner herein. It had been stated that this order would apply to a Government employee and eligibility of Government employees or their children to obtain OBC certificate is determined on the employees' service cadre. It had also been contended that an appeal could be filed before the Sub Collector at Padmanabhapuram.

8.We heard arguments advanced on behalf of the petitioner and on behalf of the respondents.

9.The learned Counsel for the petitioner took this Court through the eligibility criteria for issuance of OBC-NCL certificate. The primary document relating to this is dated 06.10.2017, an Office memorandum issued by the Ministry of Personnel, Public Grievances and Pensions,



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Department of Personnel and Training/Government of India. The said office memorandum still holds the fort. Guidelines issued therein have not been amended and are still applicable. The petitioner places his reliance on the same. The 3rd respondent is bound by the same owing to affirmation by the State of Tamil Nadu and further reiterating one crucial fact that the income from salaries or from agricultural land should not be clubbed and should not be taken into consideration for determining the income criteria for issuance of OBC-NCL certificate.

10. In the said office memorandum, the category in which the petitioner would fall would be Category-IV, which is as follows.

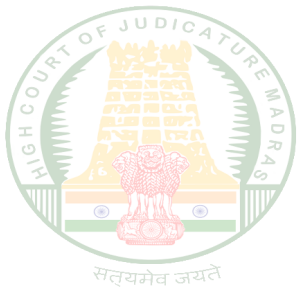
*“IV. PROFESSIONAL CLASS AND THOSE ENGAGED IN
TRADE AND INDUSTRY*

(i) Persons engaged in profession, as a doctor, lawyer, chartered accountant, Income-Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialists, film artists and other film professional, author, playwright, sports persons, sports professionals, medial professional or any other vocations of like status;

(ii) Persons engaged in trade, business and industry.”

11. The criteria to be applied would be criteria-VI, which is as follows:

“(a) Persons having gross annual income of Rs.1 lakhs or



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above or possessing wealth above the exception limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

(b) Person in Categories I, II, III and V A, who are are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

Explanation:

(i) Income from salaries or agricultural land shall not be clubbed;

(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so determine, the interrugnum may be less."

12.The learned Counsel for the petitioner had placed very strong reliance on a circular, dated 05.07.2021, issued to the Sub Collectors regarding Backward Class reservation by the Backward Class/Most Backward Class and Minorities Welfare Department, State of Tamil Nadu in Letter No.1002988/PNCP/2021-1, wherein, it had been very clearly stated that the salary limit of the parents should be Rs.8,00,000/- per annum. Further, an illustration had been given and the illustration, which is applicable to the petitioner would be illustration No.2, which gives the annual income of the parents Rs.25,00,000/- per annum, but however, there was no income from agriculture or from other sources. Since the salary income should not be taken into consideration, though it is above the ceiling of Rs.8,00,000/- per annum, since that has to be excluded, the



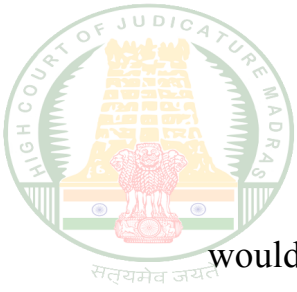
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ward would be eligible to be issued with OBC-NCL certificate. This position had been reiterated by the Government in its guidelines dated 24.09.2021 with respect to Government servants.

13.It had been contended by the learned Counsel for the petitioner that though the father of the petitioner was said to be earning about Rs.85,00,000/-per annum, the salary income should be excluded and the income from other sources being less than the stipulated limit, the petitioner is eligible to be issued with OBC-NCL certificate.

14.As a matter of fact, the father was earning the same salary or there above in the previous years and the petitioner had been issued with OBC-NCL certificate for the previous two years and there was no reason to reject him in the present year. It had also been contended that the refusal had been motivated and one line rejection order had been passed without giving any reasons.

15.The learned Counsel for the petitioner justified not filing an appeal before the Sub Collector at Padmanabhapuram stating that it

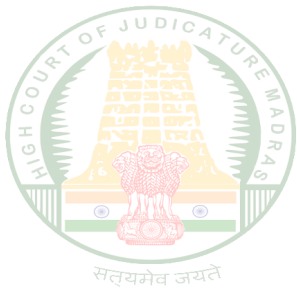


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would only be an exercise in futility as for some reason, the officials have already taken a decision to reject the application of the petitioner irrespective of his credentials to issue with such certificate.

16.Mr.M.P.Senthil, learned Counsel for the State of Tamil Nadu very fairly admitted that on the two earlier occasions, the petitioner had actually been issued with such certificate and also stated that the 3rd respondent, who had rejected the application, should have given necessary reasons in his order rejecting the application.

17.We perused the counter affidavit, wherein reasons have been given. Those reasons are rejected by us in view of the Constitution Bench judgment in *Mohinder Singh Gill vs. Chief Election Commissioner [(1978) 1 SCC 405]*, wherein, the Hon'ble Supreme Court had very clearly stated that an order of an authority should contain reasons and the reasons cannot be supplemented by fresh reasons in a separate counter affidavit before the Court, and if given, should be rejected.



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18.The learned Counsel for the petitioner placed reliance on the judgement of the Honorable Supreme Court in ***Civil Appeal No. 2827-2829 of 2018 (Union of India and others vs Rohit Nathan and another batch)*** and in paragraph No.21.15, the Hon'ble Supreme Court held as follows with respect to income/wealth certificate:

Income / Wealth Test:

21.15. However, the 1993 OM expressly provides that pending evaluation of equivalence or comparability of posts vis-à-vis Government services, the Income / Wealth Test under Category VI alone would apply. This is significant. The specific criteria for disentitlement under II C, namely direct recruitment to a post equivalent to Class I / Group A, or promotion to such post before the age of 40, remain inoperative until equivalence is determined. Thus, in the absence of such evaluation, the entire category II C cannot be automatically deprived of reservation; exclusion, if any, can only be under Category VI.

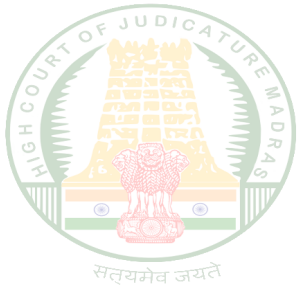
Category VI, which embodies the Income / Wealth Test operates as a residual filter. Explanation (i) under this category specifically provides that income from salaries and income from agricultural land shall not be clubbed with income from other sources for the purpose of computing gross annual income. Explanation (ii) pertains to the periodic revision of the prescribed income limit. The plain language of these explanations makes it clear that salary income and agricultural income are consciously kept outside the common pool while determining exclusion under the Income / Wealth Test.”



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19.It is, thus, seen that the Hon'ble Supreme Court had directly upheld the explanation given and the criteria that income from salary and agricultural income should not be clubbed and should not be taken into consideration, while determining the income/wealth of the parent of the individual applying for such certificate.

20.In view of the above, we find that the petitioner had been wrongfully denied issuance of OBC-NCL certificate and therefore, the rejection order passed by the third respondent/Tahsildar, Vilavancode Taluk, Kanyakumari District in the impugned communication, dated 12.06.2026 is set aside. A direction is given to the 3rd respondent/Tahsildar, Vilavancode Taluk, Kanniyakumari District, to issue OBC-NCL certificate to the petitioner on or before 10.07.2026, which would enable the petitioner to forward the same to the authorities in Indian Institute of Technology at Chennai. We can only wish and hope the petitioner all the best in his future intervals/endeavours.



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21.In the result, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.] [R.S.V., J.]
03.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

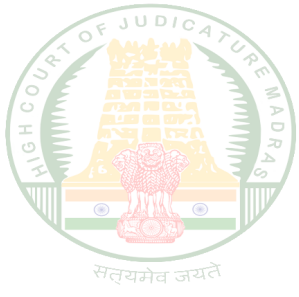
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To

1.The District Collector,
Kanyakumari District.

2.The Sub-Collector,
Padmanabhapuram, Kanyakumari District.

3.The Tahsildar,
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