

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.22306 of 2015

and

M.P.Nos.1 to 3 of 2015

R.Tamil Oli (Minor)

Rep. By her mother next friend

R.Uma

... Petitioner

vs

1.The Tahsildar

Taluk Office

Pondicherry 605 001

2.The Revenue Inspector

Ariyankuppam Firca

Pondicherry 605 007

3.The Convenor, CAPASC

Bharathidasan Government

College for Women

Pondicherry 605 003

4.The Principal

Dr.Ambedkar Government Law

College

Mathur Road, Kalapet

Puducherry 605 014.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in respect of G.O.Ms.No.34 dated 21.5.2015, for admissions to under graduate courses in Government and Government run Society Arts and Sciences Colleges in Puducherry Region issued by the third respondent and quashing point No. ii) (b) Definition of Puducherry Union Resident under Note : Horizontal Reservation mentioned on the seventh page of Information Bulletin 2015-2016 and consequently, directing the first respondent to issue the petitioner Nationality and Residence Certificates of Puducherry.

For Petitioner
For Respondents

: Dr.R.Ramalingam
: Mr.R.Sreedhar
Government Advocate (Pondy)
for R1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The deponent of the affidavit is the mother of the petitioner and she would state that her daughter has passed SSLC

examination during March, 2013, and right from the year 2008, studied in the institutions located within the Union Territory of Puducherry, and the Deputy Tahsildar-cum-Executive Magistrate, Taluk Office, Puducherry, has also issued a Nationality and Residence Certificate bearing No.4883/C/50P/2013 dated 8.7.2013, certifying that her daughter is residing in the Union Territory of Puducherry, continuously for five years during the period of study.

3.The deponent would further state that the petitioner has applied for admission to undergo Under Graduate Degree Courses for the academic year 2015-2016, and also sought for admission to Law Course in Dr. Ambedkar Government Law College, Puducherry and in this regard, approached the Revenue Inspector, Ariankuppam Firca, Puducherry, for issuance of a Nationality and Residence Certificate and it was rejected on the ground that the petitioner is a resident of Reddy Chavady, which falls within the State of Tamil Nadu, and the present writ petition has been filed challenging the respective Government Order.

4.The learned Counsel appearing for the petitioner, would submit that it would suffice to set aside the order of the Revenue Inspector, Ariankuppam Firca, Puducherry, dated 29.5.2015, the second respondent herein, with a further direction directing the first respondent-Tahsildar to issue a Nationality-cum-Nativity Certificate to the petitioner and prays for appropriate orders.

5.The Court heard the submissions of Mr.R.Sreedhar, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 3, also.

6.A perusal of the materials placed before this Court, would prima facie, indicate that the petitioner has studied in the institutions located within the Union Territory of Puducherry, from the year 2008 and a certificate to that effect has also been issued by the Deputy Tahsildar-cum-Executive Magistrate, Taluk Office, Puducherry.

7.In the light of the facts and circumstances, the order of the second respondent dated 29.5.2015, is set aside and the first respondent is directed to consider the application dated 25.5.2015, submitted by the petitioner for issuance of a Nationality-cum-Residence certificate in accordance with law, and pass orders thereon as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

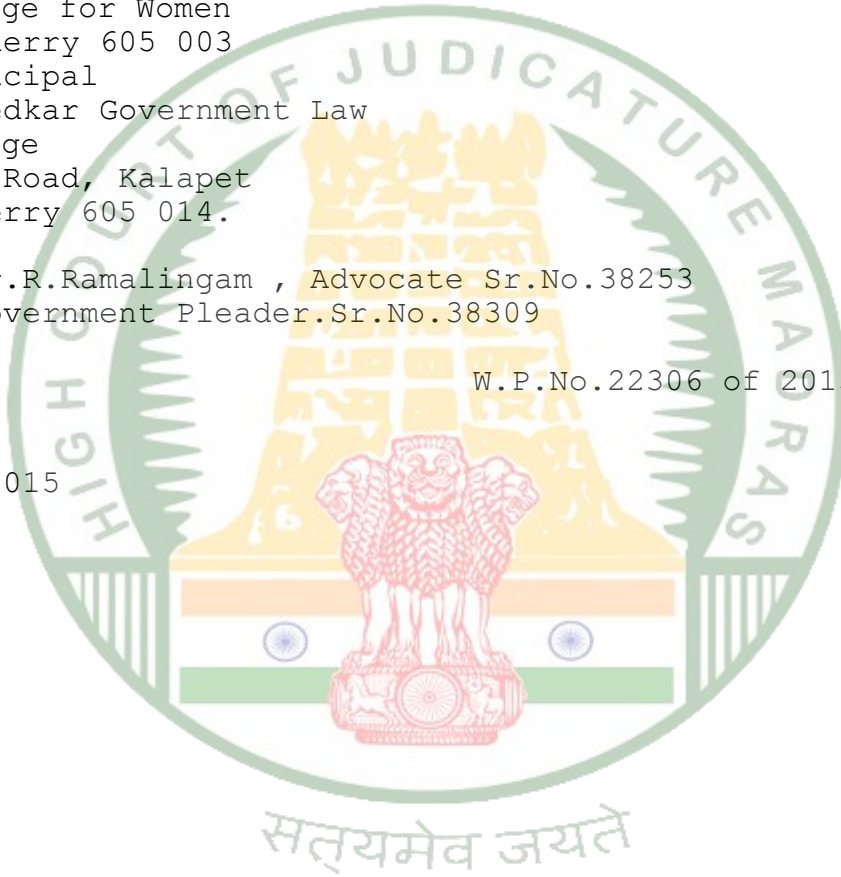
To:

- 1.The Tahsildar
Taluk Office
Pondicherry 605 001
- 2.The Revenue Inspector
Ariyankuppam Firca
Pondicherry 605 007
- 3.The Convenor, CAPASC
Bharathidasan Government
College for Women
Pondicherry 605 003
- 4.The Principal
Dr.Ambedkar Government Law
College
Mathur Road, Kalapet
Puducherry 605 014.

1 cc to Dr.R.Ramalingam , Advocate Sr.No.38253
1 cc to Government Pleader.Sr.No.38309

W.P.No.22306 of 2015

kji(co)
pmk.29.7.2015



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