

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.10.2015

CORAM

THE HONOURABLE MR. JUSTICE T.MATHIVANAN

W.P.No.33932 of 2015

and

M.P.No.1 of 2015

Sundaravani

..Petitioner

/vs/

1. The Director of School Education,
Government of Puducherry,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Educational Complex,
100 Feet Road,
Anna Nagar,
Puducherry 605 005.

2. The Deputy Tahsildar cum
Executive Magistrate,
Taluk Office,
Karaikal.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to consider the application dated 01.06.2015 submitted by the petitioner for issuance of Residence/Nativity Certificates and consequently direct the second respondent to issue Residence/Nativity Certificates to the petitioner forthwith without any further delay.

For Petitioner :Mr.Prakash Adiapadam

For respondents : Mr.J.Kumaran
Government Advocate(Puducherry)

ORDER

This writ petition is filed by the petitioner seeking a direction as against the respondents in the nature of writ of Mandamus directing the second respondent to consider the application of the petitioner dated 01.06.2015 with reference to issuance of Residence/Nativity Certificate and consequently, direct the second respondent to issue Residence/Nativity Certificate to the petitioner forthwith.

2. It is manifest from the averments of the affidavit that the petitioner was born on 27.03.1981 in a hospital at Puducherry and by birth, she is a resident of Union Territory of Puducherry as her parents are the residents of Union Territory of Puducherry. She belongs to Hindu Sengunthar Mudhaliar Community as her parents belonged to same community, which is recognized as Other Backward Community in both Union Territory of Puducherry as well as Tamil Nadu. She had passed in TNTET (Tamil Nadu Teacher Eligibility Test) conducted by the Government of Tamil Nadu with 88% of marks and she had also duly registered her educational qualification with the Sub Employment Exchange, Karaikal. In the meanwhile, she got married with one S.Ramesh, S/o. Sundaralingam, who was a resident of Nagapattinam, Tamil Nadu. After their marriage, both have settled at Karaikal and as on date, they have been residing at Karaikal. Her husband has become a resident of Union Territory of Puducherry and to that effect, they have got the residential proof.

3. On 26.05.2015, the first respondent herein issued a Notification vide NO.12658/DSE/Estt.IV/C/2015 dated 26.05.2015, whereby, invited the applications for the post of Primary School Teacher. The petitioner had also applied for that post.

4. It is obvious to note here that on 12.10.2015, the first respondent had published Provisional Selection List vide Memorandum No.12658/DSE/Estt.-IV/C/2015, dated 12.10.2015 for the post of Primary School teacher, wherein the petitioner's name was found place in Serial No.5 as she had secured 82.998 marks in the said selection. The selected candidates were directed to appear for certificate verification on 19.10.2015 at 02.30 p.m., at the first respondent's office. While coming for certificate verification, the candidates were directed to bring all the original certificates including Nativity/Residence community issued by the Department of Revenue and Disaster Management not below the rank of Deputy Tahsildar.

5. In this connection, the petitioner had submitted an application before the second respondent on 01.06.2015 requesting to issue Nativity/Residence Certificate. But, the second respondent has so far not considered her request. Again on 16.10.2015 the petitioner had approached the second respondent and requested to issue the Nativity/Residence certificate as the certificate verification was fixed on 19.10.2015. While so, the second respondent had orally informed the petitioner that though she along with her husband had resided in Karikal, since her husband was the resident of Tamil Nadu, it was difficult for the second respondent to issue required certificate. Hence, she has approached this Court with this petition.

6. Mr.T.Kumaran, learned Government Advocate(Puducherry) while advancing his argument has submitted that the respondent might be directed to consider the petitioner's application dated 01.06.2015 within a period of two weeks.

7. But, Mr.Prakash Adiapadam, learned counsel appearing for the petitioner has submitted that since there was an urgency as the certificate verification was scheduled yesterday i.e. on 19.01.2015, the enquiry might be ordered to be completed within a period of one week. In the meantime, the first respondent might also be directed to reserve one vacancy, for which, the learned Government Advocate (Puducherry) has strenuously objected.

8. Considering the submissions made by both the sides, the writ petition is disposed of with the following directions:

(i)The second respondent is hereby directed to conduct an enquiry in respect of the application dated 01.06.2015 submitted by the petitioner and complete the same within a period of one week, without loss of further time. If he find reasons for the issuance of Residence/Nativity certificate, he shall issue such certificate in the manner known to law.

(ii)The first respondent shall reserve a vacancy for a period of one week as the petitioner has been selected for the said post.

Consequently, connected Miscellaneous Petition is also closed. No costs.
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Sd/-
Vacation Officer

/True Copy/

Sub-Assistant Registrar

To

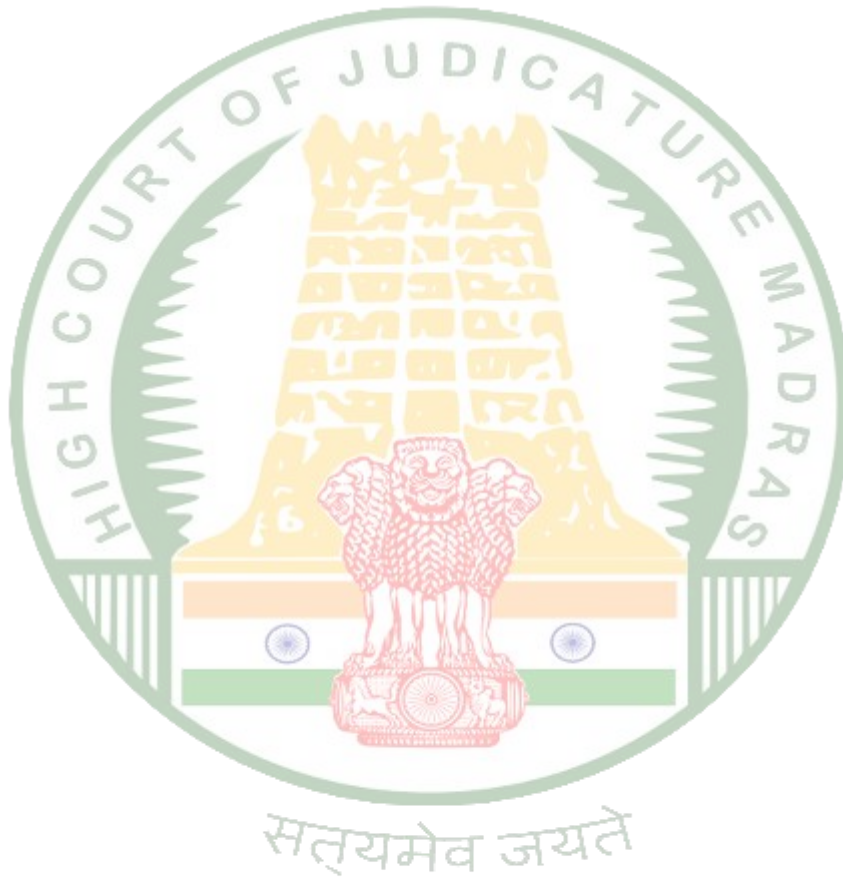
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+1 C.C. to MR.Prakash Adiapadam, Advocate in Sr.No.57826

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VS (CO)
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