

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.37891 of 2015
and
M.P.No.1 of 2015

N.Thirumurugan ... Petitioner

Vs.

1.The Special Secretary cum District
Collector, Office of the Collectorate,
Pondicherry.

2.The Tahsildar,
Tahsildar Office,
Bahore, Pondicherry.

3.The Officer on Special Duty,
Electricity Department,
Government of Pondicherry,
Pondicherry.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the second respondent dated 16.10.2015 vide Proceeding No.2271/TOB/A3/2015 and quash the same and further direct the respondents 1 and 2 to issue fresh community certificate for Adi Dravida (Scheduled Caste) to the petitioner on the basis of the earlier community certificates - Adi Dravida (Scheduled Caste) issued by the second respondent in the name of the petitioner on 24.07.2000 and on 27.08.2002 so as to enable the petitioner to produce the same for his employment before the third respondent, in accordance with law.

For Petitioner .. Mr.B.Balavijayan

For Respondents .. Mr.M.Govindaraj,
Govt. Pleader (Pondy)

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Questioning the correctness of the order dated 16 October 2015 passed by the second respondent, whereunder, the application of the petitioner was rejected on the ground that the same will be considered only on the outcome of the verdict of the Honourable Supreme Court of India, New Delhi, the petitioner has filed the present writ petition.

3.We have heard the learned counsel on either side and perused the impugned order.

4.Mere pendency of a case before the Supreme Court, cannot be held as a ground for not proceeding with the application. The law as prevalent is applicable till it is considered and decided by the Supreme Court. Thus the reasons stated in the impugned order are unsustainable in the eye of law.

5.For the aforestated reason, we set aside the impugned order and remit back the matter to the second respondent to consider the same afresh on its own merits and pass appropriate order. The petitioner is directed to co-operate with the enquiry and produce all the relevant documents. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Special Secretary cum District
Collector, Office of the Collectorate,
Pondicherry.

2.The Tahsildar,
Tahsildar Office,
Bahore, Pondicherry.

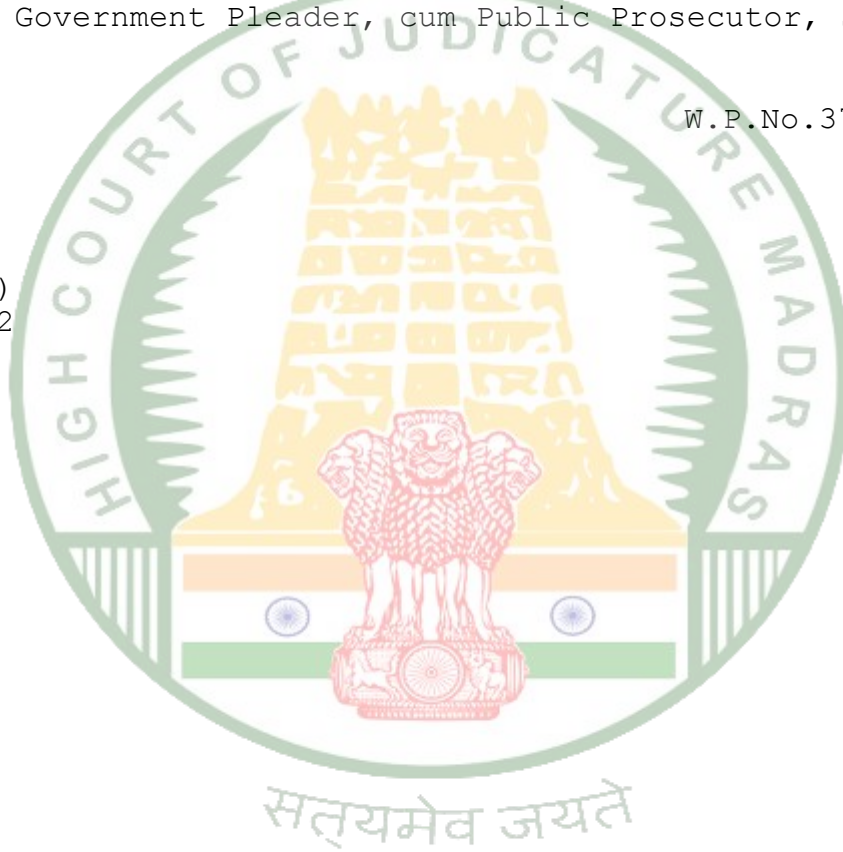
3.The Officer on Special Duty,
Electricity Department,
Government of Pondicherry,
Pondicherry.

1 cc to Mr.B. Balavijayan, Aadvocate, Sr. 66544

1 cc to Government Pleader, cum Public Prosecutor, Sr. 66537

W.P.No.37891 of 2015

SVI (CO)
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