

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P.No.14607 of 2016
W.M.P.Nos.12780 to 12782 of 2016

P.Saranya

.. Petitioner

VS

1. The Under Secretary to Government,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing), Puducherry.

2. The Registrar,
Central Administrative Tribunal,
Madras High Court Campus,
Chennai 600 104.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records, relating to the order made in O.A.No.1680 of 2015, dated 17.03.2016, on the file of the 2nd respondent, confirming the Clause IV of the Notification in No.A-34012/4/2015/DP & AR (Exam), Puducherry, dated 11.08.2015, on the file of the 1st respondent, quash the same and direct the 1st respondent to appoint the petitioner to the post of Upper Division Clerk, without insisting upon the production of the fresh community certificate.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.Syed Mustaffa,
Government Advocate (Pondicherry)

ORDER

(Order of the Court was made by S.MANIKUMAR, J.)

Challenging the order, dated 17.03.2016, made in O.A.No.1680 of 2015, on the file of the Central Administrative Tribunal, Chennai, confirming Clause IV of the Notification in No.A-34012/4/2015/DP & AR (Exam), Puducherry, dated 11.08.2015, of the Under Secretary to Government, Government of Puducherry, Department of Personnel and Administrative Reforms (Personnel Wing), Puducherry, 1st respondent herein, this Writ Petition is filed. Consequently, the petitioner has also sought for a direction to the 1st respondent to appoint her to the post of Upper Division Clerk, without insisting upon the production of a fresh community certificate.

2. Though several grounds have been raised, challenging the order of the Tribunal, Mr.V.Elangovan, learned counsel appearing for the petitioner submitted that the petitioner requires further time to produce a fresh Kattunayakan Community Certificate, sought for, by the 1st respondent.

3. Mr.Syed Mustaffa, learned Government Advocate (Pondicherry), submitted that selection to the abovesaid post, has been made on 28.10.2015 and as per the procedure, it would be valid only for one year, ie., upto 27.10.2016. His submission is placed on record.

4. Placing on record, the submission of the learned counsel appearing for the petitioner that further time is required for production of a fresh Kattunayakan Community Certificate, to be issued by the revenue officer, we are inclined to grant two months' time, from the date of receipt of a copy of this order, for production of the abovesaid certificate, before the 1st respondent. In the light of the abovesaid submission taken note of, there is no need to advert to the grounds of challenge.

5. The petitioner shall make an application to the concerned revenue officer, competent to issue such community certificate and such officer is directed to verify the claim of the petitioner, on the basis of evidence adduced and decide, as to whether, the petitioner belongs to Kattunayakan community, recognised as Backward Tribe and issue orders, accordingly, within the stipulated time. Copy of the order in the application, be forwarded to the 1st respondent, within the

time, stated supra. The petitioner shall make the application at once, and is at liberty to place all evidence. Protraction, if any, on the part of the petitioner, then the concerned revenue officer, is at liberty to pass appropriate orders, keeping in mind, the time stipulated in this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar()

//True Copy//

Sub Assistant Registrar

To

1. The Under Secretary to Government,
Government of Puducherry,
Department of Personnel and Administrative Reforms,
(Personnel Wing), Puducherry.
2. The Registrar,
Central Administrative Tribunal,
Madras High Court Campus,
Chennai 600 104.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.51724
+1cc to the Government Pleader, S.R.No.51841

CO (NMI)
CP 24/10/2016

W.P.No.14607 of 2016

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