

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.39687 of 2015
and M.P.Nos.1 and 2 of 2015

P.Ravi .. Petitioner

Vs.

- 1.Government of Puducherry
rep. by the Collector cum
Special Secretary (Revenue),
Revenue and Disaster Management,
Puducherry.
- 2.The Tahsildar,
Taluk Office,
Puducherry.
- 3.The Special Secretary to Government,
Department of Personnel and
Administrative Reforms,
Chief Secretariat, Puducherry. ..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent with No.3674/TOP/G/MF/2014 dated 17/12/2014 and with No.9333/DCR(N)/A2/2014/839 dated 20.03.2015 issued by the first respondent and to quash the same and consequently to direct the second respondent to issue community certificate to the petitioner as Scheduled Caste (Adi Dravidar) (Origin), Puducherry.

For Petitioner .. Mr.V.Ajayakumar

For Respondents .. Ms.N.Mala,
Spl. Govt. Pleader (Pondy)

ORDER

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

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

2.Assailing the order of the first respondent dated 20 March 2015 and for a consequential direction to the second respondent to issue Scheduled Caste (Adi Dravidar) of Puducherry origin community certificate, to the petitioner, the instant writ petition is filed.

3.On 12 May 2014, the petitioner made an application to the second respondent for grant of social status certificate belonging to Scheduled Caste (Hindu-Adi Dravida). The second respondent, after a period of seven months, woke up from slumber and sent a communication to the Deputy Collector (Revenue - North), Puducherry on 17 December 2014, seeking advice. The Deputy Collector, thereafter, on 20 March 2015, informed the petitioner that the matter has been taken with the Special Secretary-cum-Collector for appropriate action. One more representation was made on 20 April 2015, reminding the Collector and other officers about the pendency of the application for issuance of community certificate.

4.Ms.N.Mala, learned Special Government Pleader appearing for the respondents submits that the application of the petitioner will be examined in accordance with law and appropriate orders will be passed within a period of four weeks.

5.Before parting with the disposal of this writ petition, we are inclined to observe that certain guidelines qua issuance of community certificates laid down by judicial pronouncements are not adhered to in its letter and spirit. The Supreme Court, in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, which was referred to with approval in subsequent judgments, had specified three months' time to consider the application in accordance with the guidelines laid down therein and take a decision. Recently, a Division Bench of this Court, wherein, one of us (Satish K.Agnihotri, J.) was a Member, in G.Venkitasamy Vs. The Chairman, State Level Scrutiny Committee, Chennai², directed the authorities to consider and pass orders in three months.

1 (1994) 6 SCC 241

2 2016-1-LW 289

6. In the case on hand, the authorities have taken more than two years to examine the application, as aforesaid. The movement of file itself has taken months without any fruitful result or order. In such view of the matter, we warn the officers to be careful in future and while considering the application, the time schedule, as fixed by the Supreme Court as well as this Court has to be strictly adhered to. In the event of failure in adhering to the time prescribed for considering the application, it is tantamount to contempt of Court's orders.

7. This writ petition is disposed of with a direction to the concerned authorities to examine the application of the petitioner and take a decision thereon, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Collector cum Special Secretary
(Revenue),
Government of Puducherry,
Revenue and Disaster Management,
Puducherry.

2. The Tahsildar,
Taluk Office,
Puducherry.

3. The Special Secretary to Government,
Department of Personnel and
Administrative Reforms,
Chief Secretariat, Puducherry.

+1cc to Mr.V.Ajaya Kumar, Advocate, S.R.No.8026

+1cc to the Government Pleader, S.R.No.8099

W.P.No.39687 of 2015

ca(CO)
srg(23/02/2016)