

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.27318 of 2016
and W.M.P.Nos. 23517 and 23518 of 2016

T.M.Manjula

.. Petitioner

Vs.

1.The District Collector (Noon Meal Section)
Tiruvannamalai District
Tiruvannamalai.

2.The Commissioner
Panchayat Union
Arni
Tiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari, to call for the records bearing Na.Ka.No.10791/2014/NMS-1, dated 14.07.2016 of the first respondent herein and quash the same and pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.P.Chinnadurai
Government Advocate

O R D E R

With consent of learned counsel appearing on either side, the main Writ Petition itself is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records bearing Na.Ka.No.10791/2014/NMS-1, dated 14.07.2016 of the first respondent herein and quash the same.

3. The petitioner was appointed as Noon Meal Organiser at Government Higher Secondary School, Arni Taluk, w.e.f.

29.02.2016. The 1st respondent issued a notice to the petitioner, on 14.07.2016, asking her to produce community certificate from Revenue Department of Government of Tamil Nadu stating that she belongs to Backward Community. Seeking to quash the same, the petitioner has filed the present Writ Petition.

4. Mr.V.Suthakar, the learned counsel for the petitioner would submit that the petitioner hails from Ramakuppam Village, Chittoor District, State of Andhra Pradesh and she possess community certificate issued by the competent authority of Government of Andhra Pradesh, which clearly states that she belongs to Kuruba Community, which is notified as Backward Community in State of Andhra Pradesh. He would further add that the petitioner's husband belongs to Kanjam Reddy Community and he possess community certificate stating that he belongs to Backward Community. He would further point out that the apprehension of the petitioner is that even, if she applies for community certificate from Revenue Department of Government of Tamil Nadu, she may not be considered as a Backward Community, apart from that, the said Department may not be in a position to issue community certificate as her place of birth is State of Andhra Pradesh.

5. Mr.P.Chinnadurai, learned Government Advocate, who took notice on behalf of the respondents, would submit that the Writ Petition filed against the show cause notice is not maintainable.

6. At the outset, I have to state, what the petitioner has challenged in this Writ Petition is a show cause notice, which is not maintainable. The only grievance of the petitioner is that she belongs to Kuruba Community, which is notified as Backward Community in the State of Andhra Pradesh, but, the said community is not notified as Backward Community in the State of Tamil Nadu. The petitioner's husband belongs to Kanjam Reddy Community, which is notified as Backward Community in the State of Tamil Nadu. The petitioner's apprehension is that even, if she applies for community certificate from Revenue Department of Government of Tamil Nadu, she may not be considered as a Backward Community, apart from that, the said Department may not be in a position to issue community certificate as her place of birth is State of Andhra Pradesh. I have to necessarily state that mere apprehension is not enough to file a Writ Petition, that too, challenging the show cause notice and therefore, the Writ Petition is liable to be dismissed as not maintainable.

7. In the result, this Writ Petition is dismissed as not maintainable. It is made clear that the petitioner is at liberty to approach the authority concerned and give her reply by explaining as to how she would also come under the category

of Backward Community as per the community certificate of her husband, who belongs to Kanjam Reddy, which is notified as Backward Community. Thereafter, it is for the Department to consider whether the petitioner is entitled to get a Certificate even on the basis of her husband's community. The connected Miscellaneous Petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

paa

To

- 1.The District Collector (Noon Meal Section)
Tiruvannamalai District
Tiruvannamalai.
- 2.The Commissioner
Panchayat Union
Arni, Tiruvannamalai District.

- 1 cc to Mr.V.Suthakar, Advocate, sr.45233
1 cc to M/s.P.Chinnadurai, Advocate, sr.44725
1 cc to Government Pleader, sr.44880

W.P.No.27318 of 2016

ad co
kra 29.08.2016

सत्यमेव जयते

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