

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

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The Honourable **Mr.Justice HULUVADI G.RAMESH**

and

The Honourable **Mr.Justice V.PARTHIBAN**

W.P. Nos. 34797 to 34802 of 2016
and W.M.P.Nos.29957 to 29968

- | | |
|--------------------|---------------------------------------|
| 1. V.Selvamani | .. Petitioner in
W.P.34797 of 2016 |
| 2. K.Venkatachalam | .. Petitioner in
W.P.34798 of 2016 |
| 3. R.Ariputhari | .. Petitioner in
W.P.34799 of 2016 |
| 4. K.Thirupathy | .. Petitioner in
W.P.34800 of 2016 |
| 5. R.Ezhumalai | .. Petitioner in
W.P.34801 of 2016 |
| 6. V.Mohanraj | .. Petitioner in
W.P.34802 of 2016 |

Vs.

1. Union of India, rep. by
the Lieutenant Governor of Puducherry,
Government of Puducherry,
Rajnivas,
Puducherri.

2. The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat,
Puducherry.

3. The District Magistrate cum District Collector,
Office of the District Collector,
Government of Puducherry,
Puducherry.

4. The Special Officer,
O/o the District Collector cum District Magistrate,
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.

5. The Director of Social Welfare Department,
Directorate of Social Welfare Department,
Government of Puducherry,
Puducherry.

6. The Tahsildar,
Bahour Taluk,
Puducherry.

...Respondents in
all the Writ Petitions

Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order vide No.8227/DRDM/C2/CA/2015, dated 23.06.2016 passed by the respondent, quash the same as highly illegal, unlawful, arbitrary, ultravires, unconstitutional and consequently, direct the respondents to issue Community/Cast Certificate to the petitioners indicating as Gramani/Sanar/Nadar OBC (Other Backward Classes) by strictly following Central List published by the Government of India, Ministry of Social and Welfare without any further delay.

For Petitioners : Mr. Prakash Adiapadam

For Respondents : Mr.J.Kumaran, GA (Puducherry)

COMMON ORDER

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

These Writ Petitions have been filed by the petitioners, seeking for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned order vide No.8227/DRDM/C2/CA/2015, dated 23.06.2016 passed by the respondent, quash the same as highly illegal, unlawful, arbitrary, ultravires, unconstitutional and consequently, direct the respondents to issue Community/Cast Certificate to the petitioners indicating as Gramani/Sanar/Nadar OBC (Other Backward Classes) by strictly following Central List published by the Government of India, Ministry of Social and Welfare without any further delay.

2. According to the petitioners, the Government of India, Ministry of Social and Welfare, published a Resolution dated 10.09.1993 in the Gazettee of India, Extraordinary, Part-I, Section No.186, dated 13.09.1993 notifying certain communities as Other Backward Classes, including Gramani/Sanar/Nadar as

Other Backward Classes. Pursuant to the same, it appears that the petitioners made a collective representation dated 8.9.2015 to the 4th respondent, requesting to issue Community/Caste Certificate indicating as Grmani/Sanar/Nadar OBC. As there was no proper response, they moved a writ petition in W.P.No.17120 of 2016 collectively, which was disposed of by this Court on 8.8.2016 giving liberty to file writ petition in individual capacity since the Writ Petition filed by Sangam, is not maintainable. Thereafter, it appears that the petitioners once again made individual representations on 22.8.2015 to all the respondents, requesting them to issue community certificates to them. However, in the mean time, the 3rd respondent issued proceedings dated 23.6.2016, directing the revenue officials to maintain status quo in issuing community certificates to the people until a detailed ethnographic study is conducted to ascertain the identity/actual caste. Aggrieved by the same, the petitioners have come forward with the present writ petitions.

3. Learned Government Advocate (Puducherry) takes notice on behalf of the respondents.

4. In view of the facts and circumstances and in view of the fact that the representations made by the petitioners as early as on 22.8.2015 are still pending consideration, it is for the respondents to consider the same and pass appropriate orders therein, in the matter of issuing Community Certificates to the petitioners, without making any further delay.

5. Accordingly, the respondents are directed to consider the representations made by the petitioners on 22.8.2015 and pass appropriate orders therein, in the matter of issuing Community Certificates to the petitioners, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected WMPs are closed.

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(H.G.R., J.) (V.P.N., J.)
21.10.2016

HULUVADI G.RAMESH, J.

and

V.PARTHIBAN, J.

W.A. Nos.34797 to
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