

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4444 of 2016
and
W.M.P.No.3772 of 2016

Surya Prakash Rao.D
Roll No.400077),
S/o.Devarapallikutumba Rao,
D.No.6-6-002,
Farampeta,
Yanam-533 464. Petitioner

Vs.

- 1.The Regional Administrator,
Yanam.
- 2.The Under Secretary to Government,
DP & AR (Personnel Wing),
Chief Secretariats,
Puducherry.
- 3.The Deputy Tahsildar,
Yanam, Pondicherry. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to issue Nativity/Residence Certificate to the petitioner.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.A.Tamilvanan, GA(P)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, to direct the 1st respondent to issue Nativity/Residence Certificate to the petitioner.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The petitioner is a native of Yanam (Puduchery) by virtue of birth and permanent residence and he did his studies in Yanam (Puducherry). He was born on 10.04.1981 at

D.No.6-6-002, Farampeta, Yanam-533464. He is having all the certificates like, his birth certificate, family ration card, voter ID, Adhar Card, School Transfer Certificate, previous residence certificate issued by the 3rd respondent on 23.02.2011 and caste certificate issued on 08.02.2000 and other certificates, to show that he has been residing in Yanam (Puducherry) since birth. The petitioner belongs to Scheduled Caste Community. He has completed SSLC during March, 1996 and HSC during July, 1998 and thereafter, he studied degree in Economics for three years and passed the examination held in May 2001.

2-2.On 11.08.2015, the 2nd respondent issued a Notification calling for applications to the post of Upper Division Clerk - Group C. The petitioner applied for the same and he attended the Competitive Examination held on 25.10.2015. The petitioner was selected and in the select list dated 28.10.2015 published by the 2nd respondent, the petitioner's name was included at S.No.42 as a reserved category candidate. The petitioner was called to participate in the certificate verification on 17.11.2015 and he was directed to produce the certificates, including the Nativity/Residence Certificate issued by an Officer of the Department of Revenue and Disaster Management not below the rank of Deputy Tahsildar.

2-3.Though the community certificate was issued to the petitioner, the 3rd respondent has not issued the nativity certificate. Hence, the petitioner submitted a representation to the 1st respondent on 29.01.2016 requesting time to produce nativity/residence/community certificate. According to the petitioner, unless the nativity/residence certificate is produced by the petitioner, the 2nd respondent may cancel his selection to the post of Upper Division Clerk. Hence, the petitioner has come forward with the present writ petition before this Court.

3.Heard the learned counsel for the petitioner as well as the learned Government Advocate (P) appearing for the respondents and perused the materials available on record.

***"4.Considering the facts and circumstances of the case, this Court directs the petitioner to give fresh representation to the third respondent within a period of one week from the date of receipt of a copy of this order. On such representation being made, the third respondent is directed to consider the same and pass appropriate orders, with regard to issuance of Nativity/residence certificate and also community certificate to the petitioner, within a period of two weeks thereafter. Further, the second respondent is directed not to cancel the selection of the petitioner, till the consideration of the petitioner's representation by the third respondent. It is made clear**

that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the third respondent to pass appropriate orders purely on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner.

With the above terms, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

ssv

Sd/-

Asst.Registrar (CS III)

Dated: 7.3.2016

*Corrected as per order dated 7.4.2016 and made herein

Sd/

Assistant Registrar

Dated: 18.4.2016

/true copy/

Sub Asst. Registrar

To

1.The Regional Administrator,
Yanam.

2.The Under Secretary to Government,
DP & AR (Personnel Wing),
Chief Secretariats,
Chief Secretariats,
Puducherry.

To be substituted
to the order
already despatched
on 15.3.2016

3.The Deputy Tahsildar,
Yanam, Pondicherry.

+ 1 cc to Mr.M.Gnanasekar, Advocate Sr 22398

+ 1 cc to The Govt.Pleader, Sr 22448

KR/8/3/16

kk 18/4

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