

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

CORAM :

THE HON'BLE MR. JUSTICE C.T.SELVAM
AND
THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

W.P.Nos.25721, 25722 and 25723 of 2017
and
WMP.Nos.27130, 27131 and 27132 of 2017

V.Ravitchandirane ... Petitioner in WP.No.25721/2017
T.Ramanadhane ... Petitioner in WP.No.25722/2017
T.Rajendirane ... Petitioner in WP.No.25723/2017

Vs.

- 1.The Union Territory of Puducherry Rep. by
The District Magistrate cum Collector of Puducherry,
Department of Revenue and Disaster Management,
Government of Puducherry,
Puducherry.
- 2.The Deputy Collector (Revenue) North,
Government of Puducherry,
Puducherry.
- 3.The Director of Social Welfare Department,
Directorate of Social Welfare Department,
Government of Puducherry,
Puducherry.
- 4.The Director of Adi-Dravida Welfare Department,
Office of the Adi-Dravida Welfare Department,
Government of Puducherry,
Puducherry.
- 5.The Professor,
Anthropology Department,
Pondicherry University,
Kalapet, Puducherry. .. Respondents 1 to 5 in All WPs
- 6.The Tahsildar,
Taluk Office, Villianur,
Puducherry. .. 6th Respondent in WP.No.25721/17

7.The Tahsildar,
Taluk Office,
Puducherry. .. Respondent No.7 in WP.No.25721/2017

8.The Tahsildar,
Oulgaret Taluk Office,
Puducherry. .. 6th Respondent in WP.Nos.25722 &
25723/2017

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to conclude the ethnographic study in pursuant of order (I) Vide No.8227/DRDM/C2/CA/2015 dated 23.06.2016 and consequential order (ii) vide No.8227/DRDM/C2/CA/2015 dated 05.05.2017 passed by the 1st respondent and issue community/ Caste Certificate to the petitioners and their wards indicating as Gramani/ Sanar / Nadar OBC (Other Backward Classes) as expeditiously as possible.

For Petitioners:Mr.Prakash Adiapadam

For Respondents:Mr.C.T.Raman
Additional Government Pleader (Puducherry)

COMMON ORDER

(Order of the Court was made by M.V.MURALIDARAN,J.)

The case of the petitioners is that the petitioners are inhabitants of Pillaiyarkuppam Village, Villianur Commune, Puducherry. Originally by birth, they belong to Gramani/Sanar/Nadar Community as per Central List issued by the Government of India, the Gramani/Sanar/ Nadaris notified as OBC (Other Backward Classes). Further, the Government of Puducherry also published list in which also their caste/community namely Gramani/Sanar/Nadar notified as OBC (Other Backward Classes).

2.Though the said caste/community namely Gramani/Sanar/Nadar was notified/declared as OBC (Other Backward Classes), right from beginning the Revenue Officials attached with Villianur Taluk Office, Government of Puducherry were used to issue community certificate to the people belongs to Gramani/Sanar/Nadar, who are inhabitant of Pillaiyarkuppam Village, Villanur Commune, Puducherry, indicating as "Schedule Caste", since the people belongs to Gramani/ Sanar/Nadar community/caste in Pillaiyarkuppam Village, Villanur, Commune, Puducherry are called as "Valangaa Arijan" (Undeveloped/ Uncivilized Arijans) as they did not have any advantageous start in life much less education but per contra since they were also suffered/ faced the very same deprivations, indignities, humiliaties and handicaps, which are facing by the people who belongs to Scheduled Caste/Scheduled Tribes.

3.By using those community/caste certificate issued to the people belongs to Gramani/Sanar/Nadar community/caste in Pillaiyarkuppam Village, Villianur Commune, Puducherry were also enjoyed all benefits on par with the benefits available to the people belongs to Scheduled Caste in Union Territory of Puducherry in matter of both Public Employment as well as Education and as of now the petitioners community people are somewhat in better position in both employment as well as education. But while the things being so, all of a sudden, for the past nearly one and half years (1½) the Revenue officials (The Tahsildar) attached with Villianur Taluk Office, Government of Puducherry were stopped from issuing community / caste certificate to their people.

4.When they approached Revenue officials (The Tahsildar) attached with Villianur Taluk Office, Government of Puducherry and asked reason for not issuing Community/caste certificate to them, they orally informed that the caste/community namely Gramani/ Sanar/Nadar is fall under OBC (Other Backward Classes) category hence they could not issue community/caste certificate to petitioners indicating "Schedule Caste". On 23.06.2016 the 1st respondent had issued an order vide No.8227/DRDM/C2/CA/2015 dated 23.06.2016 whereby directed the revenue officials to maintain status quo in issuing community certificate to their people until a detailed ethnographic study is conducted to ascertain the identity/actual caste and consequently directed the revenue officials to issue community certificate the petitions and likes people based on the certificate which had already been issued to them. Thereafter, on 05.05.2017 again the 1st respondent had issued an order No.8227/DRDM/C2/CA/2015 dated 05.05.2017 whereby/where under again directed all authority concern to maintain status quo with regard to issuance of Community Certificate to the people, who claiming community certificates indicating as Gramani/Sanar/Nadar OBC. Further, he directed the Professor of Anthropology Department, Pondicherry University and Director of Adi-Dravida Welfare Department, Puducherry to commence the ethnographic study immediately.

5.But, though the 1st respondent had passed the said order as early as / way back on 05.05.2017, so far they neither completed ethnographic study nor issued communicate certificate and simply prolonging the matter. Due to which the petitioners are struggling lot in matter of both employment as well as Education. Therefore, on 05.08.2017, the petitioners have submitted detailed individual representation to the respondents whereby they requested them to conclude the ethnographic study as expeditiously as possible and issue community / caste certificate to the petitioners and their wards indicating as Gramani/Sanar/Nadar OBC (Other Backward Classes). Therefore, the petitioners filed these writ petitions for the aforesaid prayer.

6. When the matter is taken up today, Mr.C.T.Raman, learned Additional Government Pleader (Puducherry) appearing for the respondents has informed this Court that already they were conducted enquiry and conclude the ethnographic study in pursuant to the order (I) Vide No.8227/DRDM/C2/CA/2015 dated 23.06.2016 and consequential order (ii) vide No.8227DRDM/C2/CA/2015 dated 05.05.2017 passed by the 1st respondent and they are going to issue the certificate very shortly. Therefore, the learned Additional Government Pleader (Pudhucherry) Mr.C.T.Raman, seeks time for issuing the community certificate to all the writ petitioners in these writ petitions.

7. Since all the three writ petitions are seeking same prayer for conclude the ethnographic study and issue community certificates, all the three writ petitions are taken up today for final disposal with the consent of both the parties.

8. Admittedly, the proceedings were initiated and the 1st respondent was also passed orders (I) Vide No.8227/DRDM/C2/CA/2015 dated 23.06.2016 and consequential order (ii) vide No.8227DRDM/C2/CA/2015 dated 05.05.2017, but till date the certificates are not issued to the petitioners.

9. The fair submission made by the learned Additional Government Pleader (Pudhucherry) Mr.C.T.Raman, has been taken into and recorded his submission, since the respondents were conducted enquiry and completed the ethnographic study, there is no reason for the delaying for issuance of certificate by the respondents.

10. Therefore, recording the submission made by the learned Additional Government Pleader (Puducherry), all these writ petitions are disposed of with a direction to the respondents to pass appropriate orders for issuing community certificate to all the writ petitioners in all the three writ petitions within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Magistrate cum Collector of Puducherry,
The Union Territory of Puducherry,
Office of the District Collector,
Department of Revenue and Disaster Management,
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- 3.The Director of Social Welfare Department,
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Puducherry.
- 7.The Tahsildar,
Oulgaret Taluk Office,
Puducherry.
- 8.The Tahsildar,
Taluk Office,
Puducherry.

+3cc to Mr.Prakah Adiapadam, Advocate Sr.No.75857,75858, 75859
+1cc to Government Pleader, Puducherry SR.No.75890,75889

W.P.Nos.25721, 25722 and 25723 of 2017
and
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SS (CO)
sm:11.12.2017