

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.27862 of 2017

M.Manimaran

.. Petitioner

Vs

1.Superintendent of Police,
Villupuram District.

2.Tahsildhar,
Villianur, Pondicherry.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records leading to the order passed by the first respondent in Na.Ka.No.A2/4500/2017, dated 18.10.2017 and quash the same and consequently direct the second respondent to issue genuiness certificate to the petitioner.

For petitioner

: Mr.C.Selvaraj, SC
for M/s.S.Prem Auxilian Raj

For R1

: Mr.P.Sanjay Gandhi, AGP

For R2

: Mr.J.Kumaran, GA (P)

ORDER

The petitioner has filed this writ petition challenging the impugned communication dated 18.10.2017 issued by the first respondent / the Superintendent of Police, Villupuram, in and by which, the petitioner was directed to obtain fresh Communicate as well as Residence Certificates, since the second respondent / the Tahsildar, Villianur, Pondicherry, has refused to issue genuineness Certificates for the same.

2. Learned Senior counsel appearing for the petitioner submitted that the petitioner as well as his family members are residing at Puducherry for more than 30 years. It is further stated that the petitioner had completed his school education, higher secondary education and college studies only in the Union Territory of Pondicherry. Whiles, the petitioner has applied for the post of Armed Reserve Police in the Government of Tamil Nadu in other State quota under OBC category and thereafter, he has also cleared the written examination conducted by the respondent and he was provisionally selected for the said post. Subsequently, he was called for certificate verification by the first respondent, whereby, the petitioner has produced the following certificates to substantiate his education, residence and community;

- a) Birth Certificate;
- b) Secondary School Leaving Certificate;
- c) Higher Secondary School Leaving Certificate;
- d) Certificate issued by the Principal Government Higher Secondary School for rural students reservation;
- e) Counselling Call letter;
- f) B.Tech degree issued by the Pondicherry University;
- g) Interest subsidy certificate issued by the second respondent for education loan;
- h) Ration Card;
- i) Employment exchange registration;
- j) Voter ID;
- k) Aadhar Card;
- l) Pan card;
- m) Driving License;
- n) Community Certificate issued by the second respondent;
- o) Health Card issued by the Govt. of Puducherry;
- p) Receipts issued while availing free gas cylinder;

Thereafter, the first respondent, on perusal of those certificates, informed the petitioner that the appointment order will be issued after getting the certificate of genuineness from the second respondent. Therefore, while the petitioner was awaiting for the order of appointment, he was issued with the impugned communication stating that the second respondent has refused to issue the

genuineness certificate. Thus, the present writ petition with a prayer cited supra.

3. It is further contended by the learned Senior counsel for the petitioner that when the first respondent, on verification, has received all the aforesaid certificates, it is not open to him to direct the petitioner to approach the second respondent to obtain one more new community certificate and residence certificate. Besides, when the community certificate itself was issued by the Tahsildar only based on his ration card, aadhar card and voter ID, the impugned communication issued by the first respondent to obtain one more certificate with regard to his community and residence is totally bereft of any merit.

4. On the other hand, learned Additional Government Pleader appearing for the first respondent submitted that since the first respondent has had some apprehension over the community certificate issued by the second respondent, the petitioner was directed to obtain the genuineness certificate for the same, therefore, the petitioner ought not to have approached this Court and on the other hand, he should have approached the second respondent and obtained a fresh community certificate.

5. But, this Court is unable to agree with the above said submission,

for, the second respondent/Tahsildar, who is the competent authority, has already issued a community certificate. Besides, it is not the case that the petitioner has produced only the Community certificate issued by the second respondent. At the time of certificate verification, the petitioner has produced various certificates as stated supra to substantiate his educational qualification, community and residence. Therefore, in such a scenario, I do not know how the first respondent can examine only the community certificate alone, especially all other certificates produced by him showing that he is the resident of Pondicherry. Hence, on this score, the impugned communication seeking to obtain one another community certificate as well as residence certificate is set aside. The first respondent is directed to issue the order of appointment to the petitioner within a period of three weeks from the date of receipt of a copy of this order.

6. In fine, for the reasons stated above, the writ petition is allowed.

No Costs. Consequently, connected miscellaneous petitions are closed.

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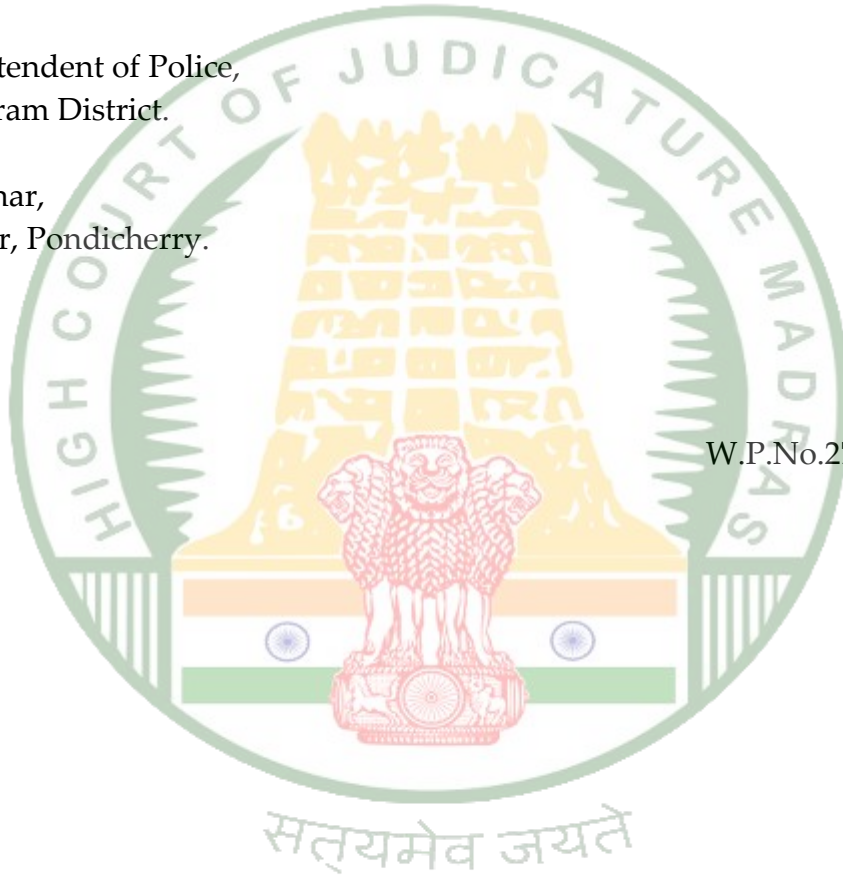
Index:yes/no

T.RAJA, J.
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To

1. Superintendent of Police,
Villupuram District.

2. Tahsildhar,
Villianur, Pondicherry.



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