

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25096 of 2004

M.Vidjayaletchoumy

... Petitioner

Vs.

1. Union of India,
Represented by
The Chief Secretary to Government,
Government of Pondicherry,
Pondicherry.
2. The Secretary (Revenue),
Government of Pondicherry,
Pondicherry.
3. The Chairman,
Pondicherry Backward Class Commission,
Pondicherry.
4. The Secretary,
Government of India,
Ministry of Social Justice & Empowerment,
25, Jeevan Prakash Building, 9th Floor,
Kasturba Gandhi Marg, New Delhi.
5. The Director of Education,
Government of Pondicherry,
Pondicherry.
6. The District Collector (Revenue)
Pondicherry.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ in the nature of Mandamus directing the second respondent to issue OBC Certificates by following the proper cut off date is 06.07.1968 as per the letter No.120171/2002-BBC dated 25-11-2002 issued by Government of India Ministry of Social Justice and Empowerment and further direct the second respondent to issue OBC Certificates by following the cut off date (i.e.) 06.07.1968 and further direct the second respondent to issue OBC Certificates strictly

following the instructions issued by the Government of India and to take action against the candidates who have furnished false OBC Certificates.

For Petitioner :Mr.Gnana Sekar,

For Respondents :Mr.B.Nambiselvan,
Additional Government Pleader
for R1 to R3

O R D E R

The petitioner has filed this writ petition seeking for issuance of a Writ in the nature of Mandamus directing the second respondent to issue OBC certificates by following the proper cut off date is 06.07.1968 as per the letter No.120171/2002-BBC dated 25-11-2002 issued by Government of India Ministry of Social Justice and Empowerment and further direct the second respondent to issue OBC Certificates by following the cut off date (i.e.) 06.07.1968 and further direct the second respondent to issue OBC Certificates strictly following the instructions issued by the Government of India and to take action against the candidates who have furnished false OBC Certificates.

2. Heard, the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

3. The petitioner seeks for a larger relief for fixing the cut of date for issuance of OBC Certificate, by following the cut of date as 06.07.1968 and take action against the candidates who have furnished false OBC Certificates.

4. Now the learned Additional Government Pleader appearing for the respondents filed a counter and produced Notification dated 19.02.2001 and stated that based on the recommendation of the State Level Commission for Backward Classes for Pondicherry, the Government of Pondicherry notified 49 Caste communities has listed in the annexure in the said notification, Other Backward Classes in Pondicherry and accordingly, filed a counter stating that prior to 1993, the concept of OBC was not in existence. Hence, the respondent cannot fix the cut off date as 06.07.1968. However, from this notification OBC Certificates are being issued to the eligible applicants in consent with the Notification issued by the Government of India.

5. The learned counsel appearing for the petitioner would submit that the petitioner will furnish particulars with regard

to the persons who obtained fraudulent Certificate to the Government, to enable them to take action and prayed that if the particulars are furnished to the Government, the Government may be directed to take action as per law.

6. Recording the same, the writ petition is closed. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary to Government,
Government of Pondicherry,
Pondicherry.
2. The Secretary(Revenue),
Government of Pondicherry,
Pondicherry.
3. The Chairman,
Pondicherry Backward Class Commission,
Pondicherry.
4. The Secretary,
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25, Jeevan Prakash Building, 9th Floor,
Kasturba Gandhi Marg, New Delhi.
5. The Director of Education,
Government of Pondicherry,
Pondicherry.
6. The District Collector (Revenue)
Pondicherry.

+1cc to Government Pleader sr.61767

W.P.No.25096 of 2004

rr(co)
ss(5/10/2017)