

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.20721 of 2018 and
W.M.P.No.24348 of 2018

Minor Balasoukanthika
rep by her Father/Natural Guardian
A.Saminathan ... Petitioner

Vs.

- 1.The Government of Puducherry,
Centralised Admission Committee,
CENTAC, Pondicherry Engineering College,
Campus, Puducherry - 605 014.
- 2.The Deputy Collector,
(Revenue) North, Puducherry.
- 3.The Tahsildar,
Government of Puducherry,
Taluk Office (North),
Puducherry. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 2 & 3 to issue Nativity Certificate to the petitioner.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.B.Nambiselvan,
Additional Government Pleader (Pondy)

O R D E R

Mr.B.Nambiselvan, learned Additional Government Pleader (Pondy) takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents 2 & 3 to issue Nativity Certificate to the petitioner.

3.It is the case of the petitioner that she applied for Nativity Certificate before the 3rd respondent, who had rejected the claim of the petitioner. According to the petitioner, she has produced all the supportive documents in support of her claim before the 3rd respondent. However, even without considering the same, the 3rd respondent had rejected the claim of the petitioner. As against the order passed by the 3rd respondent dated 12.07.2018, the petitioner preferred an appeal before the 2nd respondent on 23.07.2018 and the same is pending before the 2nd respondent.

4.Mr.V.Raghavachari, learned counsel for the petitioner submitted that the petitioner has to participate in the M.B.B.S. counselling scheduled to be held on 12.08.2018 and therefore, she should be permitted to participate in the counselling, subject to the result of the appeal pending before the 2nd respondent, otherwise, her valuable rights would be lost.

5.Mr.B.Nambiselvan, learned Additional Government Pleader (Pondy) appearing for the respondents submitted that the 2nd respondent may be directed to dispose of the appeal in a week's time.

6.In view of the submissions made by the learned counsel for the petitioner that the counselling is scheduled to be held from 12.08.2018, in the event of the petitioner not producing the Nativity Certificate before the authorities, she will not be permitted to participate in the counselling. If ultimately, the petitioner succeeds in the appeal, her valuable rights would be lost and she would be put to hardship and prejudice. In these circumstances, I am of the considered view that the 2nd respondent can be directed to dispose of the appeal within a week's time and the petitioner can be permitted to participate in the M.B.B.S. counselling scheduled to be held from 12.08.2018, subject to the result of the appeal pending on the file of the 2nd respondent. Accordingly, I direct the 2nd respondent to dispose of the appeal dated 23.07.2018, on merits and in accordance with law, on or before 17.08.2018. Further, I permit the petitioner to participate in the M.B.B.S. counselling scheduled to be held from 12.08.2018, subject to the result of the appeal. In the event of the petitioner succeeding in the appeal and in the event of the petitioner being selected for the M.B.B.S. course, her selection should be approved and in the contrary, if the petitioner fails in the appeal pending on the file of the 2nd respondent, her selection should be rejected.

7.With these observations, the Writ Petition is disposed of.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Government of Puducherry,
Centralised Admission Committee,
CENTAC, Pondicherry Engineering College,
Campus, Puducherry - 605 014.
- 2.The Deputy Collector,
(Revenue) North, Puducherry.
- 3.The Tahsildar,
Government of Puducherry,
Taluk Office (North),
Puducherry.

+1cc to Government Pleader(Puducherry) sr.no.55406
+1cc to Mr.V.Raghavachari, Advocate sr.no.55499(13/08/2018)

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nr 11/08/2018

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