

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15833 of 2018
and W.M.P.No.18830 of 2018

Fathimathu Rusaila Nazar

.. Petitioner

Vs.

1.Union Territory of Puducherry
rep by its Chief Secretary,
Revenue Department, Chief Secretariat,
Puducherry.

2.The Deputy Collector,
Revenue Department, Mahe, Puducherry.

3.The Deputy Tahsildar,
Government of Puducherry,
Sub Taluk Office, Mahe, Puducherry.

4.Central Admission Committee CENTAC,
rep by its Convenor,
Pondicherry Engineering Campus,
Puducherry - 605 014.

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of certiorarified mandamus calling for the records of the 2nd respondent dated 28.06.2016 in No.1448/DCRM/A.1/2015-16 and quash the same and further direct him to grant nativity certificate and the resident certificate to the petitioner.

For Petitioner : Mr.R.Krishna Prasad

For Respondents : Mr.J.Kumaran,
Government Advocate (Pondy)

O R D E R

This Writ Petition has been filed challenging the order of the 2nd respondent dated 28.06.2016.

2.The learned counsel for the petitioner submitted that the petitioner was born in Mahe and is a resident of Mahe. She did her entire schooling at Mahe. When she was in her 12th Standard, she had applied for CENTAC admission and also made an

application to the 3rd respondent for Nativity Certificate since the same has to be enclosed with the CENTAC application. But the 3rd respondent rejected the application on 03.06.2016 without giving any personal hearing.

3. Aggrieved by the order dated 03.06.2016, the petitioner's mother preferred an appeal before 2nd respondent on 07.06.2016 placing on record the Passport of the petitioner showing that the petitioner was born at Thalassery, Kerala and her address as Nour Mahal, Chalakkara Post, New Mahe, Mahe, Puducherry with validity till 17.01.2026, Driving Licence issued on 03.06.2015, Higher Secondary Examination Certificates issued by the Government of Kerala, Board of Higher Secondary Examination, Thiruvananthapuram for the examination held during March 2016 and June 2016, Birth Certificate issued by the Government of Kerala, Department of Urban Affairs, Thalassery Municipality and other relevant documents to prove the fact that the petitioner has been residing at Mahe.

4. The learned counsel for the petitioner submitted that the 2nd respondent erred in rejecting the appeal on the sole ground that the petitioner was not issued with EPIC. The learned counsel further submitted that the Passport, which was issued only after police verification, shows the address of the petitioner as Nour Mahal, Chalakkara Post, New Mahe, Mahe, Puducherry. Hence, the 2nd respondent ought not to have entertained any doubt. Therefore, the impugned order is liable to be set aside.

5. A detailed counter affidavit has been filed by the 3rd respondent.

6. The learned Government Advocate appearing for the respondents submitted that the petitioner has submitted an application seeking for Nativity Certificate and Residence Certificate for the purpose of getting admission to Professional Course through CENTAC. The Village Administrative Officer, Pandakkal and Chalakkara, after conducting field verification on the residence status of the petitioner, on 01.06.2016 had reported that the petitioner is not residing in the Mahe Region for the past five continuous years preceding the date of application (i.e.) 01.06.2016. She is residing along with her parents at House No.7/146, Thaneem, Mangad, P.O. Peringadi, Thalassery Taluk, Kannur District, Kerala State. The said finding of the Village Administrative Officer was also confirmed by the Revenue Inspector. Therefore, when the Village Administrative Officer had inspected and physically verified the presence of the petitioner, which was also confirmed by the Revenue Inspector, Mahe, Puducherry, the petitioner cannot find fault with the impugned order.

7.The learned Government Advocate further submitted that the petitioner had again approached the Deputy Collector (Revenue), Mahe for reconsidering her earlier representation dated 27.05.2016 in which she had requested for issuance of Nativity Certificate, which was rejected and now again to reconsider the application and to issue Residence Certificate, Community Certificate and Regional Allocation Certificate. On the basis of the representation dated 27.05.2016, the petitioner was given an opportunity and during the enquiry, it was observed that the petitioner's name was deleted from the voters list of Mahe since she was not ordinarily resident of the same area and she failed to re-enroll her name in the voters list of Mahe inspite of having many chances.

8.The learned Government Advocate further submitted that when the petitioner has not produced any certificate for the period from 2011 to 2016 for continuous period of five years preceding her date of application viz., 01.06.2016, she is not entitled to maintain the Writ Petition.

9.I also find some merit in the submission made by the learned Government Advocate. Although the petitioner has produced the Birth Certificate, Passport, Aadhar Card, Ration Card, she has miserably failed to establish her case that she was continuously residing at Chalakara, Mahe from 2011 to 2016. Therefore, this Court finding no merits in the Writ Petition, is not inclined to interfere with the impugned order. Hence, The Writ Petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Chief Secretary,
Union Territory of Puducherry,
Revenue Department, Chief Secretariat,
Puducherry.

2.The Deputy Collector,
Revenue Department, Mahe, Puducherry.

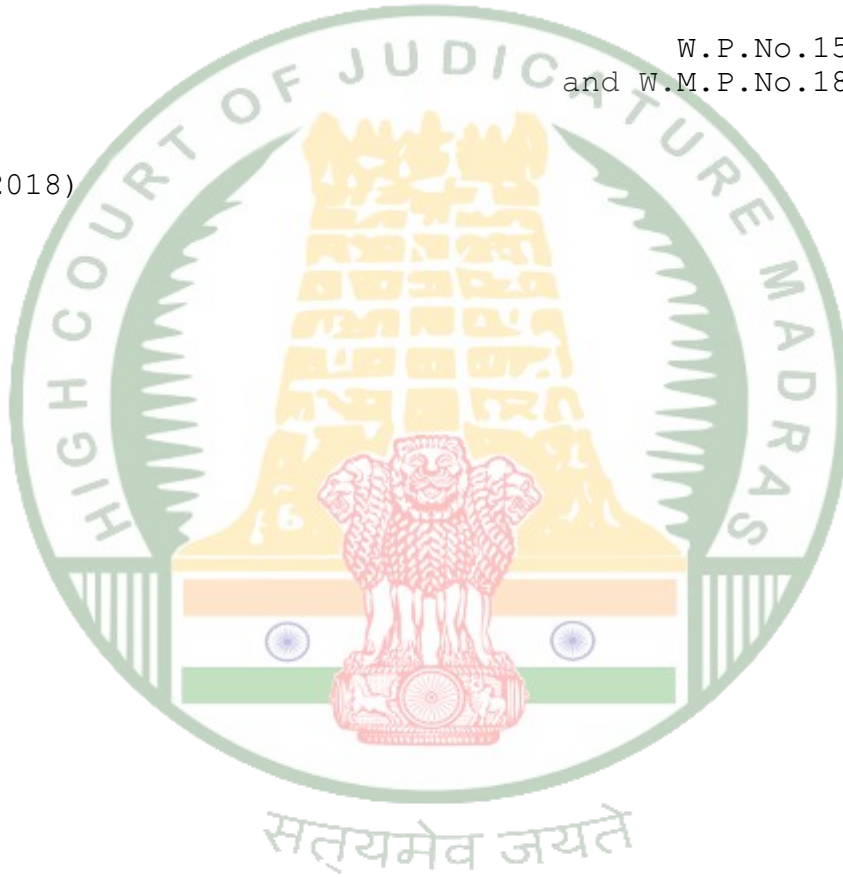
3.The Deputy Tahsildar,
Government of Puducherry,
Sub Taluk Office, Mahe, Puducherry.

4.The Convenor,
Central Admission Committee CENTAC,
Pondicherry Engineering Campus,
Puducherry - 605 014.

+lcc to Mr.SARVABHAUMAN ASSO. Advocate, S.R.No. 47709
+lcc to the Government Pleader, S.R.No. 48150

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VBA(CO)
TR(03/08/2018)



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