

In the High Court of Judicature at Madras

Dated: 17.07.2018

Coram:

The Hon'ble Mr.Justice M.VENUGOPAL
and
The Hon'ble Mr.Justice M.NIRMAL KUMAR

W.P.No.17937 of 2018
and W.M.P.No.21239 of 2018

Janani

.. Petitioner

Vs.

- 1.The Collector,
Department of Revenue &
Disaster Management,
Puducherry.
 - 2.The Tahsildar,
Taluk Office,
Puducherry.
 - 3.The Secretary to Government
for Education,
Chief Secretariat,
Puducherry.
 - 4.The Convener,
Centralised Admission Committee (CENTAC),
Kalapet, Puducherry.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for a writ of Mandamus, directing the Respondents 1 and 2 to issue community certificate to the Petitioner to the effect that the Petitioner belongs to Pondicherry Scheduled Caste Category so as to enable the petitioner to get admission for the First Year M.B.B.S. Course for the academic year 2018-19 under the quota reserved for Scheduled Caste of Puducherry.

For Petitioner : Mr.V.Ajayakumar

For Respondent : Mr.P.V.Nambiselvam

Nos.1 to 4

Additional Government Pleader (P)

O R D E R

[Order of the Court was made by
M.VENUGOPAL, J.]

The Petitioner has preferred the present Writ of Mandamus for passing of an order by this Court in directing the Respondents 1 and 2 to issue the Community Certificate to the Petitioner to the effect that she belongs to Puducherry Scheduled Caste Category with a view to enable her to secure admission for the First Year M.B.B.S. Course, for the academic year 2018-19 under the quota reserved for Scheduled Caste of Puducherry.

2. Heard Mr.V.Ajayakumar, Learned counsel for the Petitioner and Mr.P.V.Nambiselvam, Learned Additional Government Pleader appearing on behalf of the Respondents 1 to 4.

3. According to the Petitioner, she passed H.S.C. Examination in 2017 with 971 marks and subsequently appeared for National Eligibility cum Entrance Test (NEET) and secured 146 marks. She is fully qualified for the admission to the First Year M.B.B.S. Course and hence, she applied for admission before the Fourth Respondent/the Convener, Centralised Admission Committee (CENTAC), Kalapet, Puducherry, in respect of the academic year 2018-19 under the quota reserved for Scheduled Caste Category of Puducherry.

4. The grievance of the Petitioner is that surprisingly, her name is included under the other State quota which is an arbitrary and illegal one.

5. At this stage, the Learned counsel for the Petitioner forcibly submits that the Petitioner's parents are natives of Puducherry and her father and mother, her grand parents and great grand parents are natives of Puducherry. As a matter of fact, her father had inherited family property from his father as well. Her father was born on 02.06.1962 in Kirumambakkampet, Puducherry (native village of her father). Likewise, her mother is a native of Kirumambakkam, Puducherry which shows that the petitioner belongs to Scheduled Caste Category of Puducherry. It is contended that the Petitioner is entitled to get all the benefits available to the Scheduled Caste Category of Puducherry.

6. In this connection, the Learned counsel for the Petitioner brings it to the notice of this Court that the Petitioner's father is working as 'Technician' in Neyveli Lignite Corporation at Neyveli and hence, the family is residing in Neyveli temporarily for the purpose of employment. However, her parents are possessing Ration Card, Aadhar Card, Election I.D. and every other records in the Kirumambakkam address because of the reason that 'Kirumambakkam' is the permanent residence of their Family.

7.The Learned counsel for the Petitioner proceeds to point out that the petitioner was issued with a Caste Certificate on 16.07.2018 by the Competent Authority wherein the Petitioner is mentioned as a person belonging to 'Hindu Adi Dravidar' Scheduled Caste. As such, this Court directs the Fourth Respondent to take into consideration of the Petitioner's Caste Certificate dated 16.07.2018 at the time of her admission to the First Year M.B.B.S. Course under the Category of Scheduled Caste of Puducherry and to proceed further in accordance with Law and in the manner known to Law.

8.With the above observations and direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

DP

To

- 1.The Collector,
Department of Revenue &
Disaster Management,
Puducherry.
- 2.The Tahsildar,
Taluk Office,
Puducherry.
- 3.The Secretary to Government
for Education,
Chief Secretariat, Puducherry.
- 4.The Convener,
Centralised Admission Committee (CENTAC),
Kalapet, Puducherry.

+1cc to Mr.V.Ajayakumar, Advocate, S.R.No.46885

+1cc to the Spl Government Pleader, S.R.No.47252

W.P.No.17937 of 2018
and
W.M.P.No.21239 of 2018

VGII(CO)
GSP(18/07/2018)