

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.04.2019
CORAM:
THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.6275 of 2019

K.Sushmitha

.. Petitioner

Vs.

1. The Tasildar,
Ariyankuppam Commune,
Puducherry.
2. The District Collector,
Puducherry,
Collectorate,
Puducherry-605 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent No.1 to issue the Original Caste Certificate which was already issued by Respondent No.1, dated 08.05.2013, Certificate No.PY/TOP/43/0036908.

For petitioner : Mr.A.Selvaraj

For respondents : Mr.A.Gandhiraj,

Govt. Pleader (Pondicherry)

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent No.1 to issue the Original Caste Certificate which was already issued by Respondent No.1, dated 08.05.2013, Certificate No.PY/TOP/43/0036908.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that she was born on 12.10.1998 at Maternity Hospital, Pondicherry and she is residing along with her parents at Pondicherry. She is a student of II year Engineering at Jeppiar Engineering College and belongs to Hindu Pattinavar Community, which is recognised as Extreme Backward Class by the Union Territory of Puducherry, vide Serial No.1 of the Annexure to G.O.Ms.No.9/2010-Wel/(SW-V), dated 28.08.2010 of

the Chief Secretariat (Welfare), Government of Puducherry and published in the Official Gazette of Puducherry, vide Gazette No.37, dated 14.09.2010.

3. It is the grievance of the petitioner that she lost her Caste Certificate in the year 2014, which was issued by the first respondent on 08.05.2013. Thereafter, her father approached the first respondent's office to issue fresh Caste Certificate. In spite of several visits to the first respondent's office, no action was taken to issue the Caste Certificate. It is further stated by the petitioner that she realised the need of Caste Certificate after joining the Engineering College to get scholarship for Extremely Backward Class students. Hence, she gave a representation, dated 08.11.2018 to the first respondent to issue original Community/Caste Certificate. Still, there is no response from the first respondent.

4. The petitioner submits that the said Caste/Community Certificate is necessary to avail of various Government Schemes like scholarship, job reservation in public institutions, etc., in future. In spite of the petitioner having a copy of the lost Caste Certificate, dated 08.05.2013 in her name and having all Government documents to prove her identity, like Birth Certificate, Voter Identity Card, Aadhar Card, Ration Card and Nativity Certificate, her efforts to get the Community/Caste Certificate ended in vain. Since the respondents did not take any action on the said representation of the petitioner, dated 08.11.2018, the petitioner has filed the present Writ Petition for the relief stated supra.

5. When the matter is taken up for hearing, learned counsel for the petitioner made detailed submissions by adverting to the above averments made in the affidavit filed in support of the Writ Petition. However, learned Government Pleader (Puducherry), by filing counter affidavit of the first respondent, submitted that the petitioner was issued with Permanent Integrated Certificate No.PY/TOP/43/0036908 by the first respondent on 08.05.2013 and that on 08.11.2018, she had requested the first respondent for issuance of original Certificate stating that the earlier Certificate issued by the first respondent was lost. Based on the said request of the petitioner, field enquiry and report was sought for by the first respondent from the field officials. During field enquiry, it was reported that the petitioner was born to Thiru.Kannan and Tmt.Parameswari on 12.10.1998 at Maternity Hospital, Puducherry. It is further stated by the learned Government Pleader that the petitioner had undergone School education in Puducherry and is now undergoing Under Graduate (UG) Course in Chennai. During the field enquiry, it was reported that the petitioner's father is a Sri Lankan National and settled in Veerampattinam and is professing fishing as his livelihood. The petitioner's father was also called as 'Ceylon Kannan', who had migrated in his early age and got settled at Veerampattinam, a fishermen's hamlet. The

petitioner's father married Parameswari, daughter of Murugesan, who belongs of Hindu Pattinavar Community and got two children, namely Sushmitha (petitioner herein) and Vijayamohan.

6. It is further stated by the learned Government Pleader (Puducherry) that as per the guidelines for issuance of Certificates for Revenue Authorities, it has been instructed that while determining the caste of the children, the caste of the father should be taken into consideration. Further, based on the field enquiry report submitted, action had been taken to report the same to the District Collector and for cancellation of the Certificate already issued, since the Community of the father of the writ petitioner, could not be ascertained. It is further stated that the first respondent had written to the Deputy Collector (Revenue) North-cum-Sub.Divisional Magistrate on 28.03.2019 to take steps to cancel the Community Certificate already issued in favour of the writ petitioner.

7. It is also submitted by the learned Government Pleader (Puducherry) that the petition is hit by laches and suppression of the material fact that her father is a Sri Lankan National. Hence, the learned Government Pleader prayed for dismissing the Writ Petition.

8. Be that as it may. According to the petitioner, she is entitled for Caste Certificate as her mother belongs to Hindu Pattinavar Community, whereas according to the first respondent, the petitioner's father is a Sri Lankan National, who came to Puducherry and settled at Puducherry long back.

9. However, this Court is not conducting any roving enquiry on the issue in question, as, as on date, it is stated by the learned Government Pleader that enquiry is pending before the first respondent.

10. Accordingly, the respondents are directed to complete the enquiry by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, on merits and in accordance with law, preferably within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not touched upon the merits of the matter and it is for the respondents to deal with the same while passing orders as directed above.

11. With the above observations and directions, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

CS

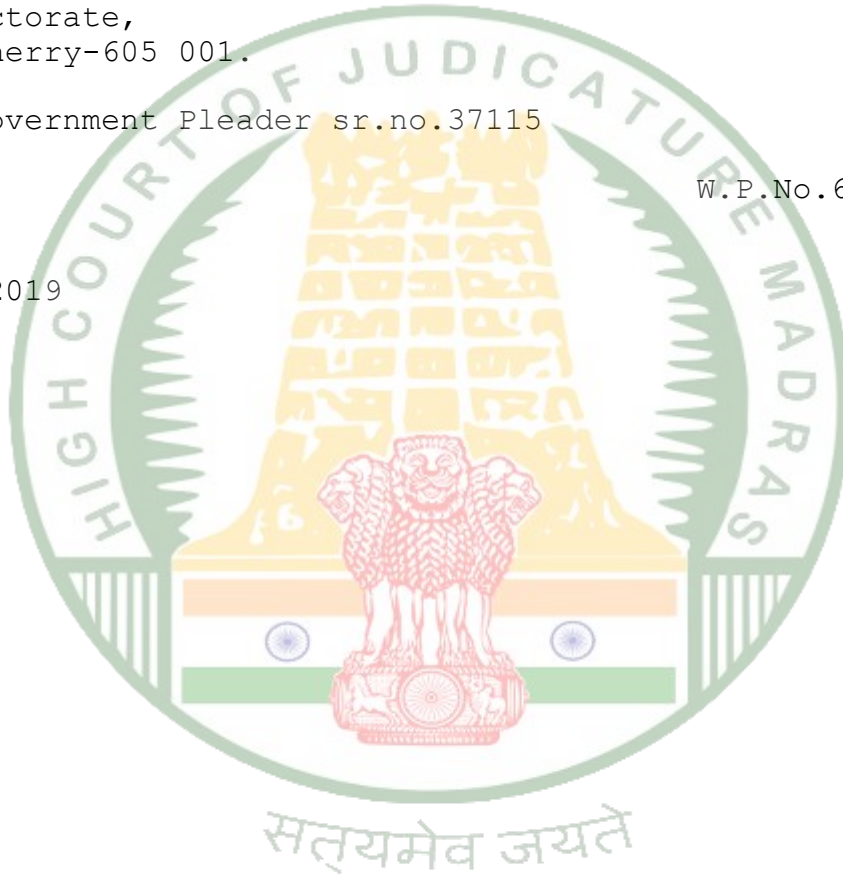
To

1. The Tasildar,
Ariyankuppam Commune,
Puducherry.
2. The District Collector,
Puducherry,
Collectorate,
Puducherry-605 001.

+lcc to Government Pleader sr.no.37115

W.P.No.6275 of 2019

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