

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.18873 of 2019

and

W.M.P.No.18242 of 2019

Sowmiya

...Petitioner

Vs

1.The Seretary

Department of Revenue and Disaster Management
Government of Puducherry
Puducherry.

2.The Thasildar,

Taluk Office,
Bahore, Pondicherry.

3.The Convener

Centralised Admission Committee (CENTAC)
Government of Puducherry,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to issue a fresh Residence / Nationality / Community Certificate to the petitioner who is a resident of Pondicherry and belong to 'Hindu-Sengunthar' community which is recognized as other Backward Community (OBC) in the Union Territory of Pondicherry, on considering the application submitted on 03.05.2019 thereby enabling the Petitioner to participate in the forthcoming counseling scheduled by the 3rd respondent for the professional courses and secure seat under OBC category reservation.

O R D E R

[Order was made by R.SUBBIAH,J]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the 2nd

respondent to issue a fresh Residence / Nationality / Community Certificate to the petitioner, on considering the application submitted on 03.05.2019, thereby enabling the petitioner to participate in the forthcoming counseling scheduled by the 3rd respondent for the professional courses and secure seat under OBC category reservation.

2. The case of the petitioner is that he belongs to Other Backward Community (OBC) in the Union Territory of Pondicherry and he was born and brought in Pondicherry and residing there ever since from his birth in the year 2000. Hence, he has applied for the issuance of community certificate. On 01.09.2015, the 2nd respondent issued community certificate stating that 'Community Certificate issued to Migrant belonging to other backward class'. It is the case of the petitioner that he will not come under the Migrant category. Therefore, submitted objections to the 2nd respondent with regard to the issuance of Community Certificate stating to 'Migrant belonging to other backward class'. Further, on 03.05.2019, Father of the writ petitioner has also made application to the 2nd respondent for issuance of fresh residence/community certificate. The writ petitioner in the NEET exam scored 406 marks and now she is in need of certificate. Since, the 2nd respondent is delaying the matter, she came forward to file the present writ petition.

3. When the matter is taken up for hearing, learned counsel for the petitioner would submit that even according to the petitioner, she has already raised objections to the 2nd respondent in respect of the community certificate, which was issued on 01.09.2015 and hence prays for appropriate orders.

4. The learned Government Pleader (Pondicherry) would submit that since the petitioner had already submitted objections to the 2nd respondent against the Community Certificate, which was issued on 01.09.2015, it is not necessary to direct the 2nd respondent to issue Community Certificate once again and it would be appropriate to consider the objections and pass orders.

5. At this juncture, it is also reported that based on the objections, an enquiry has been conducted by the Village Administrative Officer and the Revenue Tahsildar and a detailed report has also sent to the 2nd respondent. Therefore, 2nd respondent is directed to consider the said report and pass appropriate orders at the earliest preferably within a period of two (2) weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of with the above observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sk

To

1.The Seretary
Department of Revenue and Disaster Management
Government of Puducherry
Puducherry.

2.The Thasildar,
Taluk Office,
Bahore, Pondicherry.

3.The Convener
Centralised Admission Committee (CENTAC)
Government of Puducherry,
Puducherry.

+1cc to Mr.V.Sivaljnam, Advocate SR.No. 58432

Writ Petition No.18873 of 2019

A.SK(12/07/2019)

सत्यमेव जयते
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