



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 13.09.2019	Pronounced on: 17.09.2019
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Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.26529 of 2019
& W.M.P.No.25897 of 2019

Selvi.K.Krithika,
Daughter of Kumar,
Represented by her Natural
Guardian Father, Mr.Kumar,
No.2, Mettu Street,
Chinnakalapet,
Puducherry - 605 014. Petitioner

/versus/

1. The District Collector,
I - Floor, New Revenue Complex,
Pondicherry District,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry.
2. The Deputy Collector (Revenue) North - cum-
Sub- Divisional Magistrate (North),
Villianur, Puducherry.
3. Jawaharlal Institute of Post Graduate
Medical Education & Research (JIPMER),
III - Floor, Academic Section,
Rep. by its Registrar,
JIPMER Academic Centre,
Dhanvantri Nagar, P.O,
Puducherry - 605 006.
(R3 impleaded as per order
dated 06.09.2019 in WMP No.26189 of 2019)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, praying to issue Writ of Certiorari, to
call for the records pertaining to the proceedings of the 2nd
respondent in Proceeding No.4845/DCR(N)/A2/2019/2075, dated
23.08.2019 and to quash the same as illegal, incompetent and

ultravires and for any other further orders as this Hon'ble Court deem it.

For Petitioner : Mr.V.Raghavachari,
for Mr.R.Jayaprakash

For R1 & R2 : Mr.C.T.Ramesh,
Additional Government Pleader, (Pondy)

For R3 : Mr.M.T.Arunan, Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The petitioner Selvi.K.Krithika, got admission in the JIPMER Medical College, Puducherry on 28.06.2019 under the quota reserved for residents of Puducherry. Later on receipt of complaints from public, enquiry was conducted by the Deputy Collector-cum-Sub Divisional Magistrate (North), Puducherry and found that the residential certificate issued to Thiru K.Kumar by the Tahsildar, Taluk Office, Oulgaret based on misleading informations given by Mr.K.Kumar and on concealment of material facts. Hence, proceedings dated 23.08.2019 issued by Deputy Collector (Revenue) North-cum-Sub Divisional Magistrate, Puducherry, cancelling the residential certificate bearing C.No.2023/TOO/TLK/2019, dated 06.05.2019 issued in favour of K.Kumar as it has been issued without any basis, on false representation of facts besides travesty of truth. As a consequence, the petitioner apprehending removal from the College has filed this Writ Petition challenging the proceedings of the Deputy Collector Revenue (North)-cum-Sub Divisional Magistrate (North).

3. According to the petitioner, her father Mr.K.Kumar is working as Professor at Department of Electronics and Communication Engineering, Pondicherry Engineering College, Pillaichavadi, Puducherry from 06.10.1995. Between 15.10.1995 and 31.08.2005, Mr.K.Kumar resided in the Official Quarters bearing No.E/1, Type IV Quarters, Pondicherry Engineering College. In the year 2005, he went for Higher studies (Ph.d) at Anna University, Chennai, Tamil Nadu. So, he moved the family to Chennai. On completion of his Ph.D programme, he rejoined duty on 07.08.2008. He moved to a house at No.2, Mettu Street, Chinnakalapet, Puducherry on 01.02.2009. Since then, he is residing in that house. The petitioner, who was born on 16.01.2002 reside at Chennai, Tamil Nadu along with her mother

who employed at Chennai. The petitioner completed her studies at Chennai, Tamil Nadu, her address is No:75/10, Lotus Flats, Gandhi Nagar, 3rd Main Road, Adyar, Chennai - 600 020. Her permanent address is Plot No.4, Flat No.F.3, Bharat Nagar, 1st Main Road, Madipakkam, Chennai - 600 091.

4. The contention of the petitioner is that, her father being resident of Puducherry for the past 22 years and serving at Pondicherry Engineering College, she is entitle to be considered under resident of Puducherry, quota in JIPMER as per clause in the prospectus of JIPMER, which reads as below:

(iv). Pondicherry - Unreserved (P-UR)

a). Those candidates or whose parents (either mother or father or both) or Guardian (in the case of children who have lost both parents) has been residing continuously in this Union Territory for at least five years immediately preceding the closing date of application.

b). Those who have SSLC/HSC or any other public examination and for that purpose had undergone academic studies continuously for 5 successive classes immediately preceding the qualifying examination (including the year of the qualifying examination) in recognized education institutions (s) located in Puducherry Union Territory and having their residence in the Puducherry Union Territory for five years continuously during that period.

5. The Learned Senior Counsel for the petitioner submitted that the petitioner father being a resident of Puducherry, as per clause (iv)(a), the residential certificate issued based on the Service certificate, Employment Identity card, Electoral Photo Identity Card (EPIC) and Driving License of her father Mr.K.Kumar is valid and unassailable. She/Kirthika, having scored 526/720 in N.E.E.T and secured 30th place in JIPMER, Pondicherry Unreserved Category, she should be allowed to continue her study in JIPMER by quashing the proceedings of the 1st respondent.

6. In the counter, the 1st respondent has stated, how and why the residential certificate given to the petitioner father on 06.05.2019 was cancelled vide proceedings dated 23.08.2019. The reasons are capsulized in the impugned order as well as in the table at paragraph No.12 of the counter, which is extracted below for easy under standing.

a.	Service Certificate of Thiru Kumar, S/o. Kandasamy, working as Professor in Department of Electronic & Communication Engineering, Pondicherry Engineering College issued by the Principal, Pondicherry Engineering College.	The Service Certificate merely provides the details of applicant's post and tenure of his service and details about his pay/salary and not stated anything about the residential status of applicant or her father. As such it cannot be relied upon to establish the residential status to Thiru K.Kumar, the father of applicant.
b.	Study Certificate of Selvi.Krithika from LKG to XII Standard from the year 2005 to 2019 issued by the Principal, St.Michael's Academy ICSE, School of Excellence, Adayar, Chennai, Tamil Nadu.	There is clear mention that the applicant has pursued her studies from LKG to 12 th Standard in Adayar, Chennai and therefore does not stand as document to establish the residential status of applicant's father.
c.	Employee Identity card issued by the Principal, Pondicherry Engineering College.	It merely establishes that the applicant's father Thiru.K.Kumar is employed as Professor in Puducherry Engineering College and therefore cannot be accepted as a proof of residence.

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d. Electoral Photo Identity Card bearing No.GKY0446591 of Thiru.Kumar, S/o.Kandasamy issued by the ERO, Lawspet Assembly Constituency dated 23.10.2002.	The EPIC is not in existence and has been cancelled. Whereas, Thiru.K.Kumar is having a new EPIC in Mylapore, Chennai, address with EPIC No.RJE1512409 where his family resides. The EPIC, which was issued in the year 2002 bears the address of E/1 Type - IV Quarters of Puducherry Engineering College. Whereas, the Official records received from the Pondicherry Engineering College and subsequent field enquiry has proved that the he is not residing in the said address.
e. Driving License No.PY0120000005299, dated 17.10.2000 issued by the Transport Department, Puducherry	The Driving License was issued in the year 2000 with the address E/1, Type - IV Quarters of Puducherry Engineering College. Whereas, the Official records received from the Pondicherry Engineering College and subsequent filed enquiry has proved that he is not residing in the said address.

7. The petitioner's father and mother are educated and employed. Admittedly, father employed in Pondicherry Engineering College, Pondicherry, Mother working in Chennai, Tamil Nadu. The petitioner Selvi.K.Kirthika residing at Chennai. Her father, on 22.04.2019 has applied for residential certificate declaring his residence as E/1, Type IV Quarters, Pondicherry Engineering College Quarters, Pillaichavadi. Based on his application and documents produced, the Tashildar has issued residential certificate as if, Mr.K.Kumar is a resident of the above address. After outcry of public that the petitioner has been allotted seat under Pondicherry resident

Quota based on false declaration, enquiry has been conducted. During the enquiry, the Deputy Registrar of Pondicherry Engineering College, has produced records to show Kumar is not residing in the College Quarters at present. He vacated quarters as early as 31.08.2005 and claiming H.R.A since 01.09.2005. Thus, it is proved beyond doubt that the certificate issued by the Tashildar on 06.05.2019 that Mr.K.Kumar is residing at E/1, Type IV Quarters, Pondicherry Engineering College Campus, is false.

8. Now during enquiry Mr.K.Kumar has come out with a new case that after vacating the quarters, he shifted his residence to No.2, Mettu Street, Chinnakalapet, Puducherry. He has produced rental agreement dated 27.03.2019, wherein, it contains a recital that he is residing at the said address for past 10 years since 01.02.2009 onwards and this deed is renewal of the lease period for further 11 months. If really, he was residing in the above said address for the past 10 years, why he did not apply for residential certificate disclosing that address is left to anyone guess. Further, the said rental deed is an unregistered document, dated 27.03.2019. During the enquiry the landlord son has deposed that Thiru.Kumar, used to park his two wheeler in their house. Later, for the past one year, he is in possession of the 2nd floor of that house for which he is paying rent. The driving license, Passport Verification, Bank pass book relied by the petitioner cannot be a substantial proof for residence for the past 5 years. The EPIC card bearing No.RJE1512409 issued recently to Mr.K.Kumar shows he and his family members are residents of Mylapore, Chennai.

9. The residential certificate to Mr.Kumar issued primarily based on service certificate, EPIC card dated 23.10.2002 and driving License dated 17.10.2000. In view of the statement of the Deputy Registrar of Pondicherry Engineering College it is established that Mr.K.Kumar is not a resident of E/1, Type IV Quarters, Pondicherry Engineering College, Pillaichavadi. The EPIC card relied by Mr.K.Kumar was issued in the year 2000 later replaced with New EPIC card showing he is resident of Chennai. It is not necessary for a person employed in Pondicherry should reside within Pondicherry. Place of residence is choice of employee. The petitioner father not residing in the post attached quarters. He is claiming H.R.A since October 2005 for residing elsewhere. Therefore, he ought not to have sought for residential certificate mentioning E/1, Type IV Quarters, Pondicherry Engineering College Campus, Chinnakalapet, as his place of residence based on cancelled EPIC card and old documents which are not of recent origin. When the requirement is proof of residence for the past 5 years, the petitioner has concealed the primary documents of recent origin

namely the EPIC card, but produced old EPIC card, to avoid exposure of his falsehood.

10. The attempt of the petitioner's father to introduce a new place of residence through an unregistered rental deed also to be deprecated. He did not sought for residential certificate intimating No.2, Mettu Street, Chinnakalapet as his residence. He has applied for residential certificate showing his College Quarters as residence for the past 5 years. The bills of Packers and Movers, Electrical bills, rental agreement are all documents in respect of No.2, Mettu Street, Pillaichavadi, proves that they were prepared and produced during enquiry. So they are of no use. Undoubtedly, he is not residing at the address for which he got the residential certificate.

11. It is highly deplorable state of affair that even well educated, well placed people indulging in such deceptive act to get placement in Education Institute for their choice. No doubt the petitioner has secured impressive score but, she cannot try to occupy a seat which she is not entitle.

12. When her claim under Pondicherry residential Quota questioned, the 1st respondent/District Collector, Pondichery, after proper enquiry has held that the residential certificate issued indicating the petitioner father as resident of No.E/1, Type IV Quarters, Pondicherry Engineering College Campus, Pillaichavadi, Kalapet, Puducherry, is issued based on false representation and travesty of truth.

13. On the face of record, it is seen that the residential certificate issued to Kumar on 06.05.2019 liable to be cancelled. The reasoning and justification given by Kumar for his misrepresentation are untenable. Any misplaced sympathy will only encourage falsehood and deceit at the cost of genuine and deserving resident of Puducherry for whom the seat is reserved. Hence, the 3rd respondent/JIPMER, Pondicherry, is directed to cancel the admission given to the petitioner and return all her certificates forthwith.

14. In the interest of the petitioner, this Court holds that the cancellation of her admission in JIPMER, Pondicherry, this academic year shall not be held against her, in future for getting admission in any Colleges including Medical College, if she is found otherwise eligible.

15. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To,

1. The District Collector,
I - Floor, New Revenue Complex,
Pondicherry District,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry.
2. The Deputy Collector (Revenue) North - cum-
Sub- Divisional Magistrate (North),
Villianur, Puducherry.
3. The Registrar,
Jawaharlal Institute of Post Graduate
Medical Education & Research (JIPMER),
III - Floor, Academic Section,
JIPMER Academic Centre,
Dhanvantri Nagar, P.O,
Puducherry - 605 006.

+2cc to Mr.M.T.Arunan, Advocate Sr.78861 & 79877

+1cc to the Government Pleader Sr.79802

Writ Petition No.26529 of 2019

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