

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:07.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.30271 of 2019

and

W.M.P.Nos.30252 and 30253 of 2019

Minor Vijayaragavan K,
aged 17 years (20.11.2001),
Rep.by mother and natural guardian,
K.Ravathi
Residing at No.13, Mariyamman Koil Street,
Pilliyarkuppam, Puducherry 605 502. .. Petitioner

/versus/

1.Union of India,
Rep.through its Chief Secretary,
Government of Puducherry,
Chief Secretariat, Puducherry.

2.The Secretary,
Education Department,
Government of Puducherry,
Puducherry.

3.The Convenor,
CENTAC,
Pondicherry Engineering College Complex,
Pillaichavadi, Puducherry 605 014.

4.The Registrar,
Pondicherry University,
Bharat Ratna Dr.B.R.Ambedkar Administrative Building,
R.V.Nagar, Kalapet,
Puducherry 605 014.

5.The Dean,
Pandit Jawaharlal Nehru College of Agriculture &
Research Institute,
Karaikal 609 603. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to communication dated 19.09.2019

of the 5th respondent and quash the same and consequently direct the 5th respondent to permit the petitioner to continue and complete his B.Sc(Hons)Agriculture course.

For Petitioner :Mr.G.S.Vivekmani

For Respondents:Mr.A.V.Ramalinam,
AGP(P) for R1 to R3
R5
Mrs.A.V.Bharathi,
standing counsel for R4

ORDER

This writ petition has been filed praying to issue a Writ of Certiorarified Mandamus calling for records relating to communication dated 19.09.2019 of the 5th respondent and quash the same and consequently direct the 5th respondent to permit the petitioner to continue and complete his B.Sc(Hons)Agriculture course.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader(P) appearing for respondents 1 to 3 and 5 and the learned standing counsel appearing for the 4th respondent.

3.The petitioner herein applied for B.Sc(Hons) Agriculture course in the 5th respondent-Institute, which is affiliated to the fourth respondent-University. He was allotted a seat by the CENTAC which is the nodal agency for regulating the admission.

4.The grievance of the petitioner is that he belongs to SC Community(Adi Dravidar) and after obtaining certificate from the Tahsildar, he got admission in the 5th respondent college. But after admission, the college requested him to produce renewed PIC certificate on or before 23.09.2019. Hence, he applied for PIC certificate which was rejected by the Tahsildar observing that the petitioner belongs to Sanar community (OBC) and not Adidraavidar(SC) community.

5. According to the petitioner, the Department of Revenue and Disaster Management, Government of Pondicherry conveyed a meeting of the District Committee at Collectorate regarding issuance of caste certificate to the group of family have been obtained scheduled caste certificate and now claiming to be Sanar/Nadar/Gramani community, Puducherry Region. In the said Meeting, it was decided by the Committee to deal with the issues on case to case basis and the policy decision has to be taken by the Government, in this regard since the matter is very sensitive in nature.

6.In the said circumstances, the petitioner against the order of the Sub Collector preferred appeal to the District Collector on 31.10.2019 and the same is pending. While so, the petitioner is under the imminent threat of being sent out from the college. Hence, the present writ petition is filed seeking Certiorarified Mandamus to call for the communication of the 5th respondent dated 19.09.2019 and quash the same and consequently, direct the 5th respondent to permit the petitioner to continue and complete B.Sc (Hons) Agriculture course.

7.The order under challenge is only the consequential communication of the 5th respondent, who has asked the petitioner herein to produce fresh PIC certificate. Now, the Revenue authority has prima facie not satisfied with his claim and had certified the petitioner as Sanar community. While so, the remedy as per the District Committee Resolution lies before the Chief Secretary, Government of Puducherry. In fact, the petitioner herein has realised that the representation given by the petitioner is forwarded to the Chief Secretary on 05.11.2019 to reconsider the order passed by the Sub Collector.

8.In such circumstances, unless and until, the petitioner gets a positive certificate about his community, the 5th respondent cannot be directed to allow the petitioner to continue the course and complete the same.

9.Hence, this Court is of the view that it is suffice to direct the first respondent herein to dispose of the representation of the petitioner in according with the law within a period of six weeks from today and to communicate the same to the petitioner.

10.Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To:

1.The Chief Secretary,
Union of India,
Government of Puducherry,
Chief Secretariat, Puducherry.

2.The Secretary,
Education Department,
Government of Puducherry,
Puducherry.

3.The Convenor,
CENTAC,
Pondicherry Engineering College Complex,
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5.The Dean,
Pandit Jawaharlal Nehru College of Agriculture &
Research Institute,
Karaikal 609 603.

+lcc to Mrs.Nithyashree, Advocate sr.92598

+lcc to Mrs.A.V.Bharathi, Advocate sr.92556

W.P.No.30271 of 2019

sj(co)
nr 07/11/2019



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