



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.17608 of 2018

and

WMP (MD) No.15482 of 2018

S.Subha

: Petitioner

Vs.

1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the third respondent to issue a Hindu Thozhuva Naicker Community Certificate (MBC) by surrendering the Hindu Thuluva Vellala Community Certificate (BC) issued in Certificate No.F6BA6C8F6A687B86 on the basis of the representation submitted by the petitioner on 15.05.2018.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For R-1 : Mr.D.Sivaraman

For R-2 & R-3 : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

The petitioner seeks for Mandamus directing the third respondent to issue a Hindu Thozhuva Naicker Community Certificate (MBC) by surrendering the Hindu Thuluva Vellala Community Certificate (BC), on the basis of the representation submitted by the petitioner on 15.05.2018.



2. The case of the petitioner in short is as follows:-

She belongs to Thozhuva Naicker Community, which comes under Most Backward Class. After her marriage, she is residing at Chennai from 2008. The Head quarters Deputy Tahsildar, Egmore, Chennai issued Community Certificate to the petitioner certifying that she belongs to Hindu Thozhuva Naicker Community. She applied for the post of Assistant Agriculture Officer through Tamil Nadu Public Service Commission under MBC quota. She wrote the examination and was provisionally admitted to the oral test. She produced all the required certificates at the time of interview before TNPSC. However, she was directed to obtain the Community Certificate from her native village, thereby withholding the result. Consequently, the petitioner applied before the third respondent for issuance of Hindu Thozhuva Naicker Community Certificate. However, the Zonal Deputy Tahsildar, issued a Community Certificate only by stating that the petitioner belongs to Thuluva Vellala Community, which comes under Backward category. Therefore, the petitioner seeks for a direction to the third respondent to issue a Community Certificate certifying that she belongs to Hindu Thozhuva Naicker Community (MBC) by permitting the petitioner to surrender the certificate already issued by the Zonal Deputy Tahsildar certifying that she belongs to Hindu Thuluva Vellala Community (BC). Ventilating such grievance, the petitioner made a representation on 15.05.2018 before the third respondent. As the said representation has not been considered so far, the present writ petition is filed before this Court.

3. Heard the learned counsel for the petitioner; the learned standing counsel for the TNPSC and the learned Special Government Pleader for the respondents 2 and 3.

4. The petitioner claims that she belongs to Hindu Thozhuva Naicker Community, which comes under Most Backward Class (MBC). However, the fact remains that she is issued with two Community Certificates, one by the Deputy Tahsildar, Egmore-Nungambakkam Taluk, Chennai certifying that she belongs to Hindu Thozhuva Naicker Community and the other by the Zonal Deputy Tahsildar, Kadayanallur Taluk, certifying that she belongs to Thuluva Vellala Community.

5. The grievance of the petitioner is that the Zonal Deputy Tahsildar, has erroneously issued the certificate as if the petitioner belongs to Thuluva Vellala Community, while in fact she belongs to Hindu Thozhuva Naicker Community.

6. We are of the considered view that such grievance of the petitioner touching upon the very question on the correctness of the certificate issued by the Zonal Deputy Tahsildar, Kadayanallur Taluk, cannot be decided in this writ petition simply by allowing the petitioner to surrender the said certificate and to obtain a



new certificate as if she belongs to Hindu Thozhuva Naicker Community. On the other hand, the proper course of action for the petitioner is to challenge the certificate issued by the Zonal Deputy Tahsildar before the appellate authority/ Tahsildar, viz., the third respondent herein as per the appeal mechanism provided in G.O.(Ms)No.235, Revenue [RA3(2)1 Department), dated 26.06.2015 while dealing with the issuance of Community Certificates. Therefore, it is for the petitioner to challenge the certificate issued by the Zonal Deputy Tahsildar, Kadayanallur before the third respondent.

7.It is seen that already the petitioner made a representation on 15.05.2018 before the third respondent and therefore, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only with a direction to the third respondent to treat the said representation itself as an appeal preferred against the Community Certificate issued by the Zonal Deputy Tahsildar and dispose the same on merits and in accordance with law, after hearing the petitioner. The third respondent shall pass such order within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
- 2.The District Collector,
Tirunelveli District, Tirunelveli.
- 3.The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.

+1cc To M/S.D.Sivaraman, Advocate, Sr.No.72839

+1cc To M/S.P.Kalaiyarasi Bharathi, Advocate, Sr.No.72828

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