

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.Nos.16345 & 16349/2020

R.Swetha ..Petitioner in WP.No.16345/2020
R.Santhiya ..Petitioner in WP.No.16349/2020

Versus

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

2.The Tahsildar
Taluk Office
Bahore, Pondicherry.

3.The Convener Centralised
Admission Committee [CENTAC]
Government of Puducherry
Puducherry.

..Respondents in both

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying for 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 Thuluva Vellalaa' community which is recognised as other Backward Community [OBC] in the Union Territory of Pondicherry by considering the representation dated 21.10.2020.

For Petitioners in
both WPs : Mr.A.Tamilvanan

For Respondents in
both WPs : Mr.J.Kumaran
Additional Govt.Pleader [Pondy]

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

- (1) By consent, the writ petitions are taken up for final disposal and are disposed of by this common order as the petitioners are daughters of Late Raju, and represented by their mother and natural guardian Mrs.K.Selvi.
- (2) Mr.J.Kumaran, learned Additional Government Pleader [Pondy] accepts notice on behalf of the respondents.
- (3) In WP.No.16345/2020, the mother of the petitioner [minor] has sworn to the affidavit stating among other things that she was born on 20.05.1976 at Puducherry and her birth was registered with the then Puducherry Municipality and she had completed her entire education and obtained a Degree in Union Territory of Puducherry. She also got married on 29.04.1998 with Raju and out of lawful wedlock, begot two children, viz., R.Santhiya and R.Swetha, who were born on 19.08.2000 and 23.05.2003 respectively and all of them belong to Hindu Thuluva Vellalaa Community. The deponent of the affidavit would further state that she was also issued with Electoral Identity Card on 22.07.1995 and their elder daughter, viz., R.Santhiya was also issued with Electoral ID Card on 30.01.2019 and she along with her husband and daughters, continue to reside within the Union Territory of Puducherry and her husband passed away and now, she is taking care of her two daughters.
- (4) The learned counsel for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that the Department of Revenue and Disaster Management, Bahore has issued Nationality Certificate as well as Community Certificate to migrants belonging to Other Backward Classes dated 13.02.2017 bearing Certificate No.PYB/TOB/77/0001945 and despite that, did not issue the Origin Certificate. Thus, the primordial submission made by the learned counsel for the petitioners is that despite the production of Certificates of sterling quality and authenticated ones, the request for issuance of the Origin Certificates is kept pending and would also add that in WP.No.16349/2020, the elder daughter of the deponent of the affidavit in WP.No.16345/2020 is also similarly placed and therefore, prays for appropriate orders to consider and dispose of the representation dated 21.10.2020 submitted by the mother of the petitioners, viz., Mrs.K.Selvi, wife of late Raju, by the respondents in an objective manner and also exhibited urgency for the reason that both the petitioners / daughters of the deponent, had secured good marks in NEET

examination and as on date, the CENTAC application reflects only the migrants category and in the event of the Origin Certificates being issued to the petitioners, they would be definitely put to some advantage and likely to get seats and hence, prays for immediate and appropriate orders.

(5) Per contra, Mr.J.Kumaran, learned Additional Government Pleader appearing for the respondents would submit that the Field Inspection would be caused by the jurisdictional Village Administrative Officer of Bahore, who will, in turn submit the report to the Tahsildar, Bahore Taluk Office / 2nd respondent herein and prays for an outer time limit of two weeks to consider and dispose of the representation of the mother of the petitioners dated 21.10.2020.

(6) This Court has considered the rival submissions and also perused the materials placed before it.

(7) A perusal of the materials placed before this Court in the typed set of documents would prima facie indicate that the mother of the petitioners was born in the Union Territory of Puducherry and that apart, the petitioners did undergo studies in Professor Annoussamy Higher Secondary School, Puducherry, Amalorpavam Higher Secondary School, Vanarapet, Puducherry and Immaculate Heart of Mary Girls Higher Secondary School, Puducherry and that apart, the Department of Revenue and Disaster Management, Taluk Office, Bahore, also issued the Nationality Certificates dated 14.06.2016 and 13.02.2017 respectively to the petitioners.

(8) In the light of the said materials, this Court directs the Tahsildar, Bahore Taluk Office, Puducherry, / 2nd respondent herein, to take into consideration the said materials objectively and pass appropriate orders as expeditiously as possible and not later than ten days from the date of receipt of a copy of this order and communicate the decision taken, to the mother of the petitioners / deponent of the affidavit in the WP.No.16345/2020 as well as to the petitioner in WP.No.16349/2020.

(9) The writ petitions stand disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

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

2.The Tahsildar
Taluk Office
Bahore, Pondicherry.

3.The Convener Centralised
Admission Committee [CENTAC]
Government of Puducherry
Puducherry.

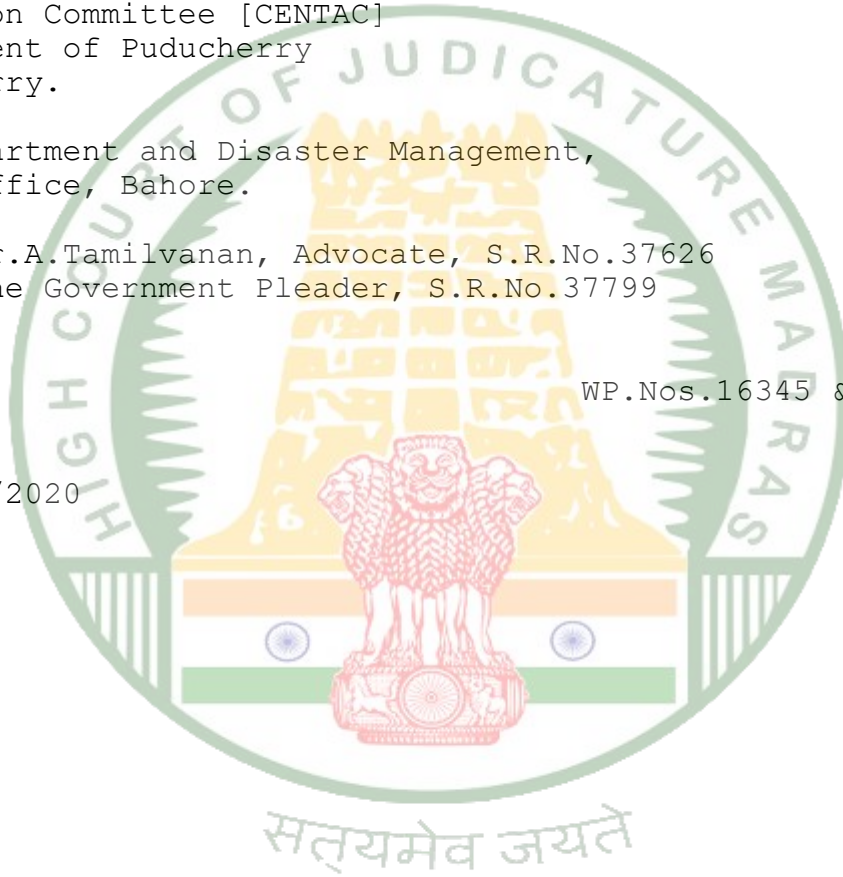
4.The Department and Disaster Management,
Taluk Office, Bahore.

+1cc to Mr.A.Tamilvanan, Advocate, S.R.No.37626

+1cc to the Government Pleader, S.R.No.37799

WP.Nos.16345 & 16349/2020

KK(CO)
KKV/30/11/2020



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