



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 5235 of 2021
and
WMP No. 5800 of 2021

Minor Nivedita (aged 17 years)
represented by her Natural Guardian/
Father T.R.Venkateshwaran

.. Petitioner

Versus

1. The District Collector,
Chennai District, Chennai 600 001.

2. The Tahsildar, Perambur Taluk,
Perambur, Chennai 600 011.

.. Respondent

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records pertaining to order of rejection dated 5.2.2021 over Application No.TN-5202102014962 (REV-101 Community Certificate) bearing Transaction Reference No.TNTACCHN02522710 dated 01.2.2021 on the file/we-site of the 2nd respondent, quash the same and to direct the 2nd respondent to issue community certificate to the writ petitioner.

For Petitioner : Mr. R.Selvakumar

For Respondents : Mr.Stalin Abhimanyu,
Government Advocate.

O R D E R

The prayer made in this writ petition is to issue a certiorarified mandamus to call for the records pertaining to the order dated 05.02.2021 in Application No.TN-5202102014962 (REV-101 Community certificate) bearing Transaction Reference No.TNTACCHN02522710 dated 01.02.2021 on the file / web site of the second respondent, quash the same and consequently, direct the second respondent to issue community certificate to the petitioner.



2. According to the petitioner, her parents viz., T.R. Venkateshwaran and G.N. Jeyasri are the natives of Tamil Nadu and the petitioner's father was born at Paramakudi, Ramanathapuram District and they own flats at Kodungaiyur and Madhavaram. However, due to employment, the petitioner's parents are stationed at New Delhi. Though the petitioner studied at Chennai from Pre-KG to IX standard, due to her parents' job transfer in the year 2017, she was put in school at Haryana, wherein she continued her education and is now studying +2 course. It is the grievance of the petitioner that for joining the medical course under communal reservation in Tamil Nadu through NEET examination, she has to submit her community certificate, for which she made an online application on 01.02.2021 to the second respondent. However, without considering the petitioner's parents' nativity related documents, the said application was rejected on 05.02.2021, on the ground that presently, she is not residing in the given address at Chennai. Therefore, this writ petition.

3. The learned counsel for the petitioner submitted that the parents of the petitioner are the natives of Tamil Nadu and due to employment, they are all stationed at New Delhi temporarily, for the sake of eking out their livelihood. The learned counsel further submitted that without providing any opportunity to the petitioner to substantiate her claim by producing necessary documents, the second respondent rejected her application seeking community certificate, by the order impugned herein, which is arbitrary, illegal and in violation of the principles of natural justice and hence, the same is liable to be set aside and appropriate direction be issued to the second respondent.

4. On the other hand, the learned Government counsel appearing for the respondents fairly submitted that the second respondent has rejected the petitioner's application for want of the required documents and hence, if the petitioner submits all the relevant documents, the same would be considered and appropriate orders be passed by the authority concerned.

5. In reply, the aforesaid submission made by the learned Government counsel has been agreed upon by the learned counsel for the petitioner and he restricted the relief sought in this writ petition to the extent of granting liberty to the petitioner to approach the authority concerned by producing all the required documents.

6. In view of the above, this writ petition stands disposed of, granting liberty to the petitioner to file necessary documents before the authority concerned within a period of two weeks from the date of receipt of a copy of this order. On such



filing, the authority concerned shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Collector,
Chennai District, Chennai 600 001.

2. The Tahsildar, Perambur Taluk,
Perambur, Chennai 600 011.

+2cc to Mr.R.Selvakumar, Advocate, S.R.No. 41625

+1cc to the Government Pleader, S.R.No.42056

WP No. 5235 of 2021

NR(CO)
GN(23/09/2021)