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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.40399 of 2015

And

MP No.1 of 2015

P.Suguna

..Petitioner

vs.

1. The Thasildar-cum-Executive Magistrate,
Villiyannur Taluk Office,
Puducherry.

2. The Director,
Directorate of School Education,
Government of Puducherry,
Puducherry.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings No.3566/ TOV/A2/Certificates/2015-16 dated 04.12.2015 and quash the same as illegal and consequently direct the first respondent to issue the Residence / Nativity Certificate, Nationality Certificate and Community Certificate to the petitioner within the time frame fixed by this Court and further direct the second respondent to appoint the petitioner in the post of Primary School Teacher.

For Petitioner : Mr.L.Chandrakumar for
Mr.K.Sasindran

For Respondents : Mr.J.Kumaran,
Additional Government Pleader
(Puducherry)



O R D E R

The proceedings of the Tahsildar-cum-Executive Magistrate, Villiyanur Taluk Office, Puducherry dated 04.12.2015 is sought to be quashed in the present writ petition and a further direction is sought for to issue Residence/Nativity Certificate, Nationality Certificate and Community Certificate to the petitioner and direct the second respondent to appoint the petitioner in the post of Primary School Teacher in the School Education Department of Government of Puducherry.

2. The petitioner states that she has completed the Diploma in Teacher Education in the year 2009 and appeared for Tamil Nadu Teacher Eligibility Test. The petitioner enrolled herself in the Puducherry Employment Exchange. The Recruitment Notification was issued by the Government of Puducherry on 26.05.2015, inviting applications for recruitment to the post of Primary School Teacher. The petitioner applied for the said post and she was provisionally selected to the post of Primary School Teacher.

3. On selection, the Authorities Competent asked the petitioner to produce the Residence Certificate. Thus, the petitioner submitted an application to the first respondent on 13.10.2015 through the Village Administrative Officer with a request to issue the Residence Certificate, Nationality Certificate and Community Certificate. The Village Administrative Officer forwarded the application of the petitioner to the Revenue Inspector and an enquiry was conducted. Thereafter, the order impugned was passed, rejecting the application submitted by the petitioner.

4. The learned counsel for the petitioner strenuously contended that the petitioner has furnished 17 documents, including Birth Certificate, School Certificate, College Certificate, Electoral/Voter Identity Card, Ration Card etc. None of these documents are considered by the Competent Authorities.

5. Contrarily, the first respondent has relied upon the documents collected by the Village Administrative Officer and rejected the application. When the Birth Certificate and other required Certificates are produced, the Authorities Competent ought to have considered the case of the petitioner for the purpose of grant of Residence Certificate. The petitioner was born and brought up at Puducherry and completed her School Education and was earlier issued with the Residence Certificate. Thus there is no reason whatsoever to reject the application for grant of Residence Certificate.



6. The learned counsel for the petitioner relied on the judgment of this Court dated 29.06.2012 passed in WP No.10905 of 2012, wherein this Court allowed the writ petition, directing the respondents to pass fresh orders in the light of the documents produced by the petitioner in that writ petition.

7. In another judgment of this Court dated 21.09.2020 passed in WP No.12354 of 2016 also, this Court considered the case of the petitioner therein and directed the respondents to issue the Nativity Certificate. Relying on these judgments, the learned counsel for the petitioner reiterated that the documents furnished by the petitioner also to be considered in entirety and the Residence Certificate is to be issued in favour of the petitioner.

8. The learned Additional Government Pleader (Puducherry) objected the said contentions of the petitioner by stating that in the case of the petitioner, no doubt the Authorities have received the documents from the petitioner and all those documents were considered by the Competent Authorities. There are candidates, who all are possessing Ration Cards, Voter/Electoral Identity Cards in two States. Therefore, the Puducherry Government has taken a decision that the Residence Certificate shall be issued to the candidates ordinarily residing for five years continuously for the purpose issuing the Residence Certificate.

9. In this context, the Authorities have to conduct an enquiry before issuing the Residence Certificate and there are many number of bogus Certificates are being produced only for the purpose of getting public appointments in the Government of Puducherry. To avoid duplications and in order to provide appointments only to the genuine residents of Puducherry, the Government of Puducherry issued guidelines and instructions, so as to ensure that the Residence Certificates are issued only to persons, who all are residing for about five years ordinarily within the Union Territory of Puducherry. This being the guidelines and instructions issued by the Government of Puducherry, the case of the petitioner is to be considered with reference to the Rules in force.

10. Pursuant to the application submitted by the petitioner, the Village Administrative Officer of Kunichempet Revenue Village, conducted an enquiry The Village Administrative Officer collected some documents to establish that the name of the petitioner as well as her family members are available in the Electoral Voters List of Vanur Assembly Constituency within the State of Tamil Nadu. There are some other documents available to establish that the family members of the petitioner are having similar documents in the State of Tamil Nadu also.



11. In this context, in the application submitted by the petitioner before the Competent Authority, the petitioner has stated that the applicant hails from No.24-B, Thiruvannamalai Road, K.R.Palayam, Thirukkanur. She belongs to Hindu Religion and Vanniar Caste. Her father is a farmer and her father and mother are not working in any Government Service. With reference to the said information by the petitioner before the Competent Authorities, the findings of the Field Inspection Officer is to be looked into.

12. The Field Enquiry Report furnished by the Village Administrative Officer of Kunichempet Revenue Village and from the copy of the evidences gathered, it is explicit that the applicant Selvi Suguna, D/o.Purushothaman is not residing in 24-B, Thiruvannamalai Road, K.R.Palayam, Thirukkanur of Kunichempet Revenue Village of Villianur Taluk of Puducherry Region. The applicant furnished her father is a farmer not working in any Government Service, but on verification, the Authorities found that her father works as a Junior Assistant in Tamil Nadu Civil Supplies Corporation in Kancheepuram District. Further, the records and the documents were created in Puducherry Union Territory for the purpose of claiming the opportunities available to the ordinarily residing candidates of Puducherry Union Territory.

13. This Court is of the considered opinion that the field inspection conducted by the Competent Authorities is to be relied upon in such circumstances, where the Authorities have considered all those documents, conducted a field inspection and taken a decision. But in the present case, all 17 documents filed by the petitioner were considered and further the Village Administrative Officer also collected documents and furnished the same before the Competent Authorities. Beyond all those documents, a field inspection was conducted, wherein the Authorities found that the petitioner is not residing in No.24-B, Thiruvannamalai Road, K.R.Palayam, Thirukkanur of Kunichempet Revenue Village of Villianur Taluk of Puducherry Region. This being the finding of the fact by the Competent Authorities, this Court cannot interfere with such finding, which was made after conducting the filed inspection by the Competent Authorities.

14. The very purpose and object of conducting such enquiry by the Authorities are to ensure that the public employments are to be provided to the genuine residents of the Union Territory of Puducherry. In order to secure public employments, large number of candidates are manipulating certain records, including Ration Cards, Electoral Voters List etc., and producing such documents to secure the public employments.



15. Noticing such illegalities, the Government of Puducherry has taken action and to curb such irregularities, imposed certain restrictions for issuing Residence Certificates and accordingly, even in cases where documents are produced, field inspections are conducted and the facts are gathered and thereafter Residence Certificate has been issued. This being the procedures followed by the Competent Authorities, this Court do not find any infirmity or perversity in the impugned order of the first respondent.

16. As far as the judgment in WP No.10905 of 2012, dated 29.06.2012, relied upon by the petitioner is concerned, the findings are unambiguous that out of the list of about 27 documents submitted by the petitioner therein, the third respondent has actually considered only two or three documents. The Court has not considered the other aspects, including the field inspection/enquiry conducted by the Competent Authorities. In view of the fact that the documents produced by the petitioner therein were not considered by the Competent Authorities, this Court quashed the order impugned and directed the Authorities to pass fresh orders by considering the above documents. This apart, each case is to be decided on its own merits and as far as the case relied upon is concerned, the facts are dissimilar and therefore, the same is of no avail to the petitioner for the purpose of getting the relief sought for in the present writ petition and as far as the other judgment, namely, WP No.12354 of 2016 dated 21.09.2020 is concerned, there also the factual disputes are not comparable to the facts of the present case.

17. In the present case, the order impugned clearly states that the petitioner has furnished false information that her father is a farmer. However, during the enquiry, the Authorities found that the father of the petitioner is working as Junior Assistant in the Tamil Nadu Civil Supplies Corporation in Kancheepuram District and further the Authorities found that the petitioner is not ordinarily residing within the territorial jurisdiction of Puducherry and therefore, this Court do not find any reason to interfere with the order of the first respondent.

18. After completing the arguments, the learned counsel for the petitioner made a submission that the petitioner may be given an opportunity to prefer an appeal. It is left open for the petitioner to prefer an appeal before the appropriate Forum if she has got any other relevant documents to establish her case.



19. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Thasildar-cum-Executive Magistrate,
Villiyannur Taluk Office,
Puducherry.
2. The Director,
Directorate of School Education,
Government of Puducherry,
Puducherry.

+1cc to Mr.K.Sasindran, Advocate SR. No.65742

+1cc to Government Pleader SR. No.65688

WP No. 40399 of 2015

NRL (CO)

PR (23/12/2021)