



WEB COPY

W.P(MD)No.5608 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P (MD)No.5608 of 2021

and

W.M.P (MD)No.4444 of 2021

R.Mathivathana

... Petitioner

Vs.

1.Union Public Service Commission,
Rep. by its Joint Secretary,
Dholpur House,
Shahjahan Road,
New Delhi - 110 069.

2.The Secretary to Government,
Backward Classes, Most Backward Classes &
Minorities Welfare Department,
Secretariat, Chennai - 600 009.

3.The District Collector,
Virudhunagar District,
Virudhunagar - 626 002.

4.The Zonal Deputy Tahsildar,
Taluk Office,
Virudhunagar - 626 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents 3 and 4 to issue Community Certificate to the petitioner, based on the caste of her mother, as 'Hindu - Nagaram' Community, so as to enable the petitioner to obtain OBC Certificate on that basis and to participate in the ensuing Civil Service Examination conducted by the first respondent.

For Petitioner

: Mr.Veera Kathiravan
Senior Counsel
for M/s. Veera Associates

For Respondents

: Mr.K.P.Narayana Kumar
Special Government Pleader



ORDER

**(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)**

By consent, the Writ petition is taken up for final disposal at the stage of admission itself.

2.Mr.K.P.Narayana Kumar, learned Special Government Pleader takes notice for the respondents.

3.The Writ Petition is filed seeking a Mandamus, directing the respondents 3 and 4 to issue Community Certificate to the petitioner, based on the caste of her mother, as 'Hindu - Nagaram' Community, so as to enable the petitioner to obtain OBC Certificate, on which basis, she can participate in the Civil Service Examination.

4.It is stated that the father of the petitioner belongs to 'Hindu - Kasukkarar' Community, which is recognized as Backward Class as per G.O(Ms)No.28, Backward Classes and Most Backward Classes Welfare Department, dated 19th July, 1994 and the mother of the petitioner belongs to 'Hindu - Nagaram' Community, which is also recognized as Backward Class as per G.O(Ms)No.242, Social Welfare Department, dated 28.03.1989. It is further stated that the second respondent had issued G.O(Ms)No.08, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, dated 09.02.2021, enabling the students to seek for Community Certificate born to the parents belonging to two different Castes, as per their option. Accordingly, the petitioner herein has chosen to go with her mother's Community, namely, 'Hindu - Nagaram' Community and she applied for the same through on-line on 12.02.2021. The same was rejected for the reasons that the Certificate was rejected by the Village Administrative Officer and Revenue Inspector. Aggrieved by the same, the petitioner seems to have preferred an appeal before the third respondent, namely, the District Collector, Virudhunagar on 26.02.2021 and it is pending consideration.

5.It is now stated that the last date for submitting the application for Civil Services Examination is 24.03.2021. Though the appeal has been filed as early as on 26.02.2021, the third respondent is yet to consider the same.

6.As the time is running out, the learned counsel for the petitioner seeks a direction to the third respondent/District Collector, Virudhunagar, to consider the appeal of the petitioner, dated 26.02.2021 and pass appropriate orders at the earliest, as the last date for submitting the application is 24.03.2021.



7. In view of the above, the third respondent is directed to pass appropriate orders on the appeal of the petitioner, dated 26.02.2021, at the earliest, considering the last date for submitting the application for Civil Services Examination to enable the petitioner to submit her application.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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Virudhunagar - 626 002.

4. The Zonal Deputy Tahsildar,
Taluk Office,
Virudhunagar - 626 001.

+1 CC to M/s. VEERA ASSOCIATES, Advocate (SR-11012[F] dated 15/03/2021)

+1 CC to M/s. SPL GP (SR-11182[F] dated 15/03/2021)

W.P(MD)No.5608 of 2021
12.03.2021

VB (18.03.2021) 3P 7C

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