



WEB COPY



W.P.No.27571 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.27571 of 2022

Steffy Josephine.J. (Minor)
Represented by her father Natural Guardian
L.Joseph Clemant.

...Petitioner

Vs.

- 1.The Secretary,
Department of Revenue and Disaster Management,
Government of Puduchery, Puduchery – 605 001.
- 2.The Tahsildar,
Taluk Office,
Villiyannur – 605 110.
- 3.The Convener Centralised,
Admission Committee (CENTAC),
Government of Puduchery,
Puduchery – 605 001.
- 4.Village Administrative Officer,
Uruvaiyar,
Villiyannur Taluk – 605 110.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents to re-



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consider the case of the petitioner in the light of the G.O.Ms.No.9/2001-Wel.(SWII) dated 19.02.2001, which was published in the Official Gazette of Pondicherry, vide Gazette No.29, dated 22.02.2001 and to issue the community certificate under the category of 'Other Backward Classes'.

For Petitioner : Mr.S.Ramaswamyrajaraj

For Respondents : Mr.C.T.Ramesh,
Additional Government Pleader (Pondy)

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The petitioner seeks a direction to the respondents to re-consider her case in the light of the G.O.Ms.No.9/2001–Wel.(SWII) dated 19.02.2001.

2. The petitioner who belongs to Christian-Nadar community sought for a community certificate recognizing her as one belonging to Backward Class community in the Union Territory of Puducherry. The jurisdictional Tahsildar however issued a certificate stating that she is a migrant belonging to Other Backward Class community, since her father had migrated from Tamil Nadu to Puducherry. Claiming that the education



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Authorities are not accepting the certificate that has been issued in order to confer the benefit of Backward Class candidate on the petitioner, the petitioner has come before this Court seeking a direction as stated above.

3. The learned counsel for the petitioner relying upon the certificate issued to her parents would contend that once her parents have been issued a certificate to the effect that they belong to Backward Class community in Puducherry, the Authorities were not justified in denying such certificate to her. The certificate issued to her parents have been produced by the petitioner. While the father of the petitioner has been favoured with such certificate on 15.07.2004, the mother of the petitioner has been issued with the certificate on 16.07.2004. A Nativity certificate has also been issued to the father of the petitioner as early as on 04.06.2013.

4. Mr.C.T.Ramesh, learned Additional Government Pleader for the Government of Pondicherry would submit that the status of Backward Class could be conferred only on persons who have migrated to Puducherry before the cut-off date and since the petitioner's father migrated later, he cannot be



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considered as Backward Class. However, the learned Additional Government Pleader is unable to explain the circumstances under which certificates were issued to the parents of the petitioner.

5. Once the petitioner's parents have been recognized as persons belonging to Backward Class in Puducherry, there is no justification for the respondents to have refused such certificate to the petitioner. Hence, the writ petition will stand **allowed**. There will be a direction to the respondents to issue Other Backward Class certificate to the petitioner as is being done to other Natives of Puducherry as per G.O.Ms.No.9/2001-Wel.(SWII) dated 19.02.2001. Such certificate shall be issued within 10 days from today, considering the fact that the counselling is to commence shortly. No costs.

(R.S.M.,J.) (K.B.,J.)
17.10.2022

dsa

Index :No
Internet :Yes
Speaking order

To:-

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