



W.P.(MD).No.22589 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.22589 of 2019

and

W.M.P(MD)Nos.19353 & 19354 of 2019

C.Rajan

... Petitioner

Vs.

1.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited.,
(TANGEDCO),
No.144, Anna Salai,
Chennai.

2.The Chief Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited.,
(TANGEDCO),
Madurai Region, K.Pudur,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Letter No.001202/171/G57/G572/2018-4 dated 14.06.2019 and quash the same as illegal and consequently to direct the respondents herein to



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appoint the petitioner as Filed Assistant (Trainee) Under Priority Category (Inter Caste Marriage) as per the Notification No.01/2016 dated 28.02.2016 for Direct Recruitment to the post of Field Assistant (Trainee) by considering the petitioner's Marriage Registration Certificate, dated 29.09.2011 registered under Tamil Nadu Hindu Marriage Registration Rule – 1967 and for other relief.

For Petitioner : Mr.J.Lawrance

For Respondents : M/s.M.Rajeswari
for M/s. M.Parameswari

ORDER

The present writ petition has been filed challenging the order passed by the 1st respondent vide his proceedings in Letter No.001202/171/G57/G572/2018-4 dated 14.06.2019 and quash the same as illegal and consequently to direct the respondents herein to appoint the petitioner as Filed Assistant (Trainee) Under Priority Category (Inter Caste Marriage) as per the Notification No.01/2016 dated 28.02.2016 for Direct Recruitment to the post of Field Assistant (Trainee) by considering the petitioner's Marriage Registration Certificate, dated 29.09.2011 registered under Tamil Nadu Hindu Marriage Registration Rule – 1967 and for other relief.



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2. The petitioner belongs to Hindu Paraiyan community and it is a notified Scheduled Caste Community. The petitioner obtained National Trade Certificate in Wireman Trade during July 2006 at Loyala Industrial Training Centre, Madurai. The petitioner got married to one Karthika, who belongs to Backward Community i.e., Hindu Yadhava. The said marriage was registered on 29.09.2011 before the Marriage Registrar, Joint Sub Registrar, Madurai. The petitioner belongs to Scheduled Caste community and his wife belongs to Backward Community. Hence, the marriage was solemnized as inter-caste marriage. Since it is an inter-caste marriage, the petitioner is claiming priority quota. The 1st respondent had issued an advertisement in Notification No.1 of 2016, dated 28.02.2016. The petitioner submitted an application and also submitted the registration application under Tamil Nadu Hindu Marriage Registration Rules, 1967 claiming priority quota.

3. The petitioner has attended written examination on 27.08.2016. The petitioner has secured 12.10 marks. Hence, the petitioner was called for viva. In the viva, the petitioner has also submitted the application which was submitted



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before the registering authority and claimed priority quota. However, the respondents did not consider the same. Hence, the petitioner filed W.P(MD)No. 22599 of 2017 and this Court, vide order, dated 12.03.2019 directed the petitioner to submit the marriage registration certificate and the respondent was directed to consider the same and pass orders after affording opportunity as per law. The respondents considered the same and rejected the claim of the petitioner since the application submitted before the authority under Registration Act is not a proof for considering the petitioner's candidature under the priority quota of inter-caste marriage. Aggrieved over the same, the present writ petition has been filed.

4. The claim of the respondents is that the petitioner has not produced the certificate issued by the Tahsildar at the time of submitting application as well as at the time of interview. The Tahsildar is the competent authority to certify the inter-caste marriage. Hence, the respondents submitted that the petitioner has not produced the appropriate certificate. Therefore, the petitioner's candidature was rejected and prayed to dismiss the writ petition.

5. Heard Mr.J.Lawrance, learned counsel for the petitioner and



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M/s.M.Rajeswari for M/s.M.Parameswari, standing counsel for the respondents and perused the records.

6. The first contention that was raised by the petitioner is at the time of interview, the petitioner has submitted the registration certificate issued by the registering authority under Tamil Nadu Hindu Marriage Registration Rules, 1967 read with Tamil Nadu Registration of Marriage Act, 2009. However, the claim of the respondents is that the marriage certificate issued by the registering authority cannot be considered as a certificate, since the marriage registering authority is not the competent authority to certify whether it is an inter-caste marriage or not. The learned standing counsel appearing for the respondents also referred to the registered marriage certificate and submitted that the registering authority has registered the marriage alone and has not certified that the marriage is an inter-caste marriage. On perusal of the said certificate, it is seen that the authority has signed it and has recognized the marriage alone. The authority has not specifically stated that it is an inter-caste marriage. The learned counsel appearing for the petitioner submitted that the respondents ought to have scrutinized the marriage registration certificate where they have



declared that the husband belongs to Schedule Community and wife belongs to Backward Community. In short, the petitioner is claiming the respondent should act as a Tahsildar and scrutinize the marriage certificate and thereafter, grant the inter-caste marriage status to the petitioner. This plea cannot be accepted when the law prescribed some authority to issue a certificate by scrutinizing the evidence, then the concerned authority should issue a certificate and that alone can be considered by the recruiting agency. Admittedly, the petitioner was married in the year 2011 and he has produced certificate subsequently in the year 2017 which was issued by the competent authority that is Tahsildar. But the petitioner was not in possession of this certificate issued by the Tahsildar at the time of submitting the application as well as at the time of interview. Non-possession of such certificate at the time of interview will disqualify a person to claim his status.

7. The next contention raised in the petition is even according to the respondents, vide communication, dated 09.11.2017, the respondents have stated under clause (3) (vi) “certificate of priority group”. Also the call letter only states the certificate of priority group. The respondents have not specifically stated that the certificate should be issued by the Tahsildar. In such



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circumstances, the respondents should consider the registration certificate issued by the registering authority. This plea cannot be accepted as stated above, this is only a marriage registration certificate and it cannot be considered as the certificate for inter-caste marriage. Moreover, the communication would state only to produce the certificate and it is general condition that it should be issued by the competent authority. For each and every notification, the general condition need not be mentioned. The petitioner ought to refer to the main Government Order or Board proceedings applicable to the TANGEDCO, where it has been stated that the certificate issued by the Tahsildar, who is the competent authority is to be considered as a valid certificate. Therefore, on this ground also, the petitioner is not entitled to. Therefore, the claim of the petitioner to consider his candidature under the inter-caste marriage status fails. Since the petitioner has obtained the certificate belatedly and not at the time of recruitment process, the petitioner is not entitled to claim the status. However, if the respondent is conducting any recruitment process for the subsequent years, the petitioner's candidature may be considered based on the certificate.

8. With this observation, this Writ Petition stands dismissed. No costs.



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Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes/ No

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S.SRIMATHY, J.

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