



W.P.No.12135 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.12135 of 2020

K.Sriraman

..Petitioner

Vs

1. Union of India,
rep. by tis Chief Secretary,
Govt. of Puducherry,
Chief Secretariat,
Puducherry - 605 001.
2. The Sub-Collector (Revenue) South,
Villianur,
Puducherry.
3. The Tahsildar-cum-Executive Magistrate,
Taluk Office,
Villianur,
Puducherry.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus to call for the records of te 2nd
respondent vide No.2889/DCRS/ B7/ Cert-Appeal/ 2018 dated 08.07.2019



W.P.No.12135 of 2020

and quash the same and to direct the respondents to issue Scheduled caste Community certificate to the petitioner.

For Petitioner : Mr.D.Sreenivasan

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

ORDER

(The order of the Court was made by V.LAKSHMINARAYANAN,J

The petitioner seeks to call for the records on the file of the 2nd respondent in proceedings No.2889/DCRS/ B7/ Cert-Appeal/ 2018 dated 08.07.2019 and to direct the respondent to issue Scheduled Caste Certificate to the petitioner.

2.The facts according to the case are the petitioner's grandfather was one Senthamarai. He was born on 13.07.1949 and got married to one Poorani. The said Poorani also belonged to schedule caste community.

3.The birth certificate of the petitioner's grandfather would indicate that he belongs to Uthiravaginipet, Puducherry , an area normally occupied



W.P.No.12135 of 2020

only by scheduled caste persons. Typed set of papers would disclose that the petitioner's father, S.Kannan was also been shown as a Schedule Caste. The petitioner was born on 14.08.2001 at Puducherry. The Transfer Certificate of the petitioner's father had been enclosed in the typed set of papers which would disclose that he also belongs to scheduled caste community. The caste certificate of his father Kannan has been enclosed at Page No.39 of the typed set of papers. This has been issued by the Deputy Tahsildar, Sub-Taluk Office, Villianur on 21.01.2000, atleast 1 ½ years before the birth of the writ petitioner. It shows that the said Kannan belongs to Hindu Adi-dravidar Community which is notified as a Scheduled Caste Community by the Presidential notification insofar as the Union Territory of Puducherry is concerned.

4. The petitioner was not granted Schedule Caste Certificate on the ground that the petitioner paternal grandfather belongs to OBC community. The typed set of papers also reveals that apart from the petitioner's father and mother, his other relatives including those residing in the State of Tamilnadu have been classified as those belonging to Hindu Adi-dravidar Community. The issue that we have to see is whether on account of the fact



W.P.No.12135 of 2020

WEB COPY

that the petitioner's grandfather who was born in the year 1949 had been classified as OBC, the petitioner would also have to be classified as OBC.

5. When the parents have been treated as persons belonging to Scheduled Caste community namely Hindu Adi-dravidar, to categorise the petitioner on the basis of the petitioner's grandfather and when all the other relatives have been granted the status of a Scheduled Caste, is most unfortunate. We are concerned only with the parents and the parents have been issued a certificate by the appropriate authority atleast 23 years ago stating that they belong to Hindu Adi-dravidar Community. It has been held by a Division Bench of this Court in ***G.Venkitasamy & Another v. The Chairman, State Level Scrutiny Committee (2016(1) L.W.289)*** as well as the Supreme Court in ***R.Kandasamy v. Chief Engineer, Madras Port Trust (1997) 7 SCC 505*** that where close relatives have been granted Scheduled Caste Community Certificates and the same continues to be in force, their progeny and close relatives are also entitled to the said benefits.

6. In this case, the father of the petitioner is classified as a Schedule Caste and therefore, denying the said benefit to the writ petitioner would



W.P.No.12135 of 2020

only be a travesty of justice and denying the benefits that a person who is justly entitled to it. Consequently, the impugned order is quashed. There shall be a direction to the 2nd respondent to issue the certificate stating that the writ petitioner belongs to Scheduled Caste Community. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ petition is disposed of. No costs.

(J.N.B.,J.) (V.L.N,J.)
05.09.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To

1. Union of India,
rep. by tis Chief Secretary,
Govt. of Puducherry,
Chief Secretariat,
Puducherry - 605 001.
2. The Sub-Collector (Revenue) South,
Villianur, Puducherry.
3. The Tahsildar-cum-Executive Magistrate,
Taluk Office,
Villianur, Puducherry.



WEB COPY



W.P.No.12135 of 2020

J.NISHA BANU,J.
and
V.LAKSHMINARAYANAN,J.

vsi

W.P.No.12135 of 2020

05.09.2023