



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.14575 of 2020

Prof.Dr.M.Ramadas,
Former Member of Parliament (Lok Sabha),
Honorary President,
Karaikal District Fisherman Reservation Committee,
No.1, Ellaiyammankoil Street,
Kilinjalmadu, Karikal – 6090605.

... Petitioner

Vs.

1.Government of Puducherry,
Rep. by Chief Secretary,
Chief Secretariat,
Puducherry.

2.The Special Secretary,
Social Welfare Secretariat,
Chief Secretariat,
Puducherry – 605 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 2nd respondent herein which culminated in its proceedings in No.2605/SWS/2021-21 dated 08.09.2020 and quash the same as illegal and arbitrary and further direct the respondents herein to consider the



representation made by the petitioner herein on 03.01.2020 and 23.03.2020 to notify Fishermen Community of Puducherry and Karaikal Region, as one of the Community under Most Backward Class (MBC) within the time fixed by this Court, without waiting for reconstruction of the State Level Commission for Backward Classes (SLCBC).

For Petitioner	.. Mr.V.P.Sengottuvel Senior Counsel for Ms.K.Indupriya
For Respondents	.. Mr.Dr.B.Ramasamy Additional Government Pleader (Puducherry) for Mr.S.Raveekmar Government Pleader

ORDER

A former Member of Parliament of Lok Sabha, who is also incidentally the Honorary President of Karaikal District Fishermen Reservation Committee, having office at Karaikal, has come before this Court, by filing the present writ petition in the nature of Certiorarified Mandamus, seeking to call for the records of the second respondent/Special Secretary, Social Welfare Secretariat, Chief Secretariat, Puducherry, which culminated in proceedings in No.2605/SWS/2020-2021 dated 08.07.2020



and to interfere with the same. Though that particular order has been passed, the petitioner being quite resolute, had given representations on 03.01.2020 and 23.03.2020 and seeks consideration of said representations. By the said representations, the petitioner seeks notification of the Fishermen Community of Puducherry and Karaikal Region as Community under Most Backward Class category (MBC) without waiting for the opinion of the State Level Commission for Backward Classes.

2. Even prior to examining the merits, this Court will have to state that it is the State Level Commission for Backward Classes, which takes a policy decision as to which communities to be categorised as Backward Classes or as Most Backward Classes. It is not for the Court to enter into the realm of the Legislature or of that particular Commission. They know the pulse of the public and certainly know as to which the Community should be included as either Backward Classes or as Most Backward Classes.

3. No Court can assume authority to classify a Community particularly on the basis of the representation of one single member though he may be a former Member of the Parliament and also a Honorary



President of the Fishermen Reservation Committee. The views of the public would be understood only by the Commission which will invite the views in a public hearing and thereafter come to a considered decision. The necessity for filing of the writ petition arose since the Fisherman Community in Puducherry and in Karaikal were carved out and were given 2% special reservation out of the category of Most Backward community.

4. This was not felt to be to the advantage of the Fisherman Community in Karaikal and Puducherry, though it was done with a laudable object, and it was done to ensure that atleast 2% of the seats in various Colleges would be filled only by the Fisherman Community from Karaikal and Puducherry. To that extent, they would benefit and would move forward with life.

5. But, the petitioner has different a take on that particular issues. He claims that more number of Fishermen from Karaikal and Puducherry would have benefited, if they had been absorbed into the general pool of Most Backward Classes and now that has been restricted to that particular 2% reservation and not more.



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6. These are the issues of State policy. These are all the issues which would better be dealt with by by Legislature and by Legislator who wanted debate the issue in the Assembly. They would be better understood by the Commission which determines the Communities to be so categorised as either Backward Class or as Most Backward Class.

5. Every State or Union Territory has its separate Committee. The Union Territory of Puducherry has a State Level Commission for Backward Classes. The said Commission should be formed as quickly as possible and thereafter, it is stated in the counter affidavit that public hearings would be conducted to obtain the views of the general public. The learned Government Pleader and Additional Government Pleader of Union Territory of Puducherry state that most certainly, during the public hearing, they would extend an invitation to the petitioner herein also to express his views.

6. Let that procedure be undertaken. Of-course, no time limit can be given to the Legislature or to the Executive to pass any order. Let me not enter into the arena of either Legislature or the Executive, as I am confident



that if it is done, only confusion will result. I am confident that the petitioner would have every opportunity to express his views before the State Level Commission for Backward Classes, whenever it is formed and public hearing is called for.

6. The writ petition stands disposed of. No costs.

27.02.2023

Index:Yes/No
Speaking order Yes/No
Neutral citation Yes/No
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To

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Puducherry.

2.The Special Secretary,
Social Welfare Secretariat,
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C.V.KARTHIKEYAN,J.

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