



W.A.No.2648 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.The Deputy Collector (Revenue),
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.

2.The Tahsildar,
Taluk Office, Revenue Department,
Government of Puducherry,
Puducherry-605 008.

3.The Convenor,
Centralised Admission Committee (CENTAC),
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry-605 014.

.. Appellants

Vs.

Minor Rashidha Shahul Hameed,
rep. by her mother Akkila Banu

.. Respondent



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Prayer: Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 27.4.2023 passed in W.P.No.10157 of 2023.

For the Appellants : Mr.Tamilvanan
Additional Government
Pleader (Puducherry)

For the Respondent : Mrs.Kavitha Rameshwar

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Tamilvanan, learned Additional Government Pleader (Puducherry) for the appellants and Mrs.Kavitha Rameshwar, learned counsel for the respondent.

2. The appellant is assailing the order passed by the learned Single Judge dated 27.4.2023 in a writ petition bearing No.10157 of 2023.

3. Under the impugned order, the appellants are directed to issue



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the nativity certificate to the respondent herein/original writ petitioner.

4. Learned counsel for the appellants submits that the original writ petitioner is born in Union Territory of Puducherry and her parents are ordinary residents of Puducherry. However, since 2016, the parents of the writ petitioner are residing in Kuwait. The writ petitioner studied upto V Standard in Puducherry and thereafter she had studied in Kuwait. As such, the writ petitioner could not have been considered as native of the Union Territory of Puducherry. This aspect has not been considered by the Court.

5. Learned counsel for the original writ petitioner submits that the petitioner, by birth, is a native of Union Territory of Puducherry. To substantiate the contention, learned counsel relies upon G.O.No.48 dated 12.12.2002 so also relies upon Clause 10 of the prospectus for admission to the medical course. Learned counsel further submits that subsequently the nativity certificate has been issued to the writ petitioner and further the writ petitioner had filed a writ petition bearing No.18419 of 2023 seeking direction to issue the community



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certificate to the writ petitioner as belonging to BC (Muslim) – Labbai under the Union Territory of Puducherry. A Division Bench of this Court, under order dated 27.7.2023, allowed the said writ petition and directed the authorities to issue origin OBC certificate to the writ petitioner within two weeks. The said certificate is also issued to the writ petitioner.

6. The appellants have complied the order passed by this Court. The learned Single Judge has considered the definition of “nativity by birth” and the factual matrix. The writ petitioner has also secured admission for the First Year MBBS Course under OBC category pursuant to the subsequent order passed in W.P.No.18419 of 2023 dated 27.07.2023. The said order is not assailed by any party though the present appellants were also parties in the said writ petition.

7. Considering the definition of “nativity by birth”, so also Clause 10 of the prospectus and further the fact that the appellants have implemented the orders passed by this Court, we are not inclined to interfere with the impugned judgment.



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8. The writ appeal, as such, is dismissed. There will be no order as to costs. Consequently, W.M.P.No.22266 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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