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W.P.(MD) No.2057 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P(MD)No.2057 of 2023

Antony Libin

... Petitioner

-VS-

1.The District Collector,
Sivaganga District.

2.The Revenue Divisional Officer (RDO),
Devakkottai,
Sivagangai District.

3.The Tahsildar,
Devakkottai,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to the respondents herein to issue Community Certificate to the petitioner by mentioning the caste as "Christian Nadar" based on his representation, dated 21.10.2022 and in accordance with law.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mr.M.Sarangan

Additional Government Pleader



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ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Mr.Antony Libin, S/o.Micheal Samy, 83/1, Seegorani, Kandadevi Post, Devakkottai Taluk, Sivagangai District, has filed this Writ Petition for issuance of a Writ of Mandamus, directing the respondents to issue Community Certificate by mentioning the caste as "Christian Nadar" based on his representation, dated 21.10.2022 and in accordance with law.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Learned counsel appearing for the petitioner submitted that the petitioner's mother namely, Floras Xavier Mary belongs to Christian Nadar Community and his father namely, Micheal Samy belongs to Christian Pallar Community. Their inter-caste marriage was solemnized on 01.05.1989, as a result, the petitioner was born. Since the petitioner's father was an illiterate, whereas his mother studied upto 10th standard, they did not have more exposure to approach the competent authority for issuance



of suitable community certificate. Therefore, when the petitioner joined the School, his caste was mentioned as Christian Nadar in the School Certificate. Since both Christian Nadar and Christian Pallar belong to Backward Class community, the petitioner applied for issuance of a community certificate showing him as a member belonging to Christian Nadar Community.

4. Learned counsel appearing for the petitioner further submitted that when there is G.O.Ms.No.08, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, dated 09.02.2021, with a direction to the revenue authorities to issue appropriate community certificate to the children born out of inter-caste marriages by clarifying that the children born out of marriage between parents of two different castes shall be considered to belong to either the caste of the father or the caste of the mother based on the declaration of the parent/s, the requests of the children born out of inter-caste marriages should be considered on the basis of the said G.O. Therefore, the petitioner has given a representation dated 21.10.2022, but, till date, no response is forthcoming. Hence, the petitioner has been advised to come to this Court.



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5.Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents would submit that G.O.Ms.No.08, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, dated 09.02.2021, clearly mentions that the Government after careful examination hereby clarifies that the children born out of marriage between parents of two different castes shall be considered to belong to either the caste of the father or the caste of the mother based on the declaration of the parents.

6. Considering the submissions made on either side and in view of G.O.Ms.No.08, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, dated 09.02.2021, we direct the respondents to consider and dispose of the representation of the petitioner dated 21.10.2022 in the light of the aforesaid G.O.Ms.No.08 by passing appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Petition is disposed of.

No costs.

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[T.R., A.C.J.] [D.K.K., J.]
02.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes
bala/ps

To

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