



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.1290 of 2024

H.Santhosh

.. Petitioner

-VS-

- 1.The District Collector,
Tirupathur District,
Tirupathur.
- 2.Tahsildar,
Tirupathur District,
Tirupathur.
- 3.The Principal Secretary,
Secretariat,
Revenue Department,
Government of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort St. George,
Chennai.

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation consequently to issue 'No Caste No Religion Certificate' based on the representations dated 25.09.2023 and 15.12.2023.

For Petitioner : Mr.M.Navin Kumar
For Respondents : Mr.Vadivelu Deenadayalan,
Additional Government Pleader.

ORDER

Being a good citizen is the greatest contribution for the development of our great nation. It is the duty contemplated under Article 51(A) of the Constitution of India. Petitioner's desire to secure “No Caste No Religion” Certificate deserves to be appreciated, but the question arises as to whether such certificate can be issued by the Tahsildar in the absence of any power conferred by the Government to issue such nature of Certificate.



2. In the absence of any such power conferred on the Tahsildar, the High Court cannot issue directions to grant such certificates by exercising its powers on judicial review under Article 226 of the Constitution of India. For issuing such directions, it is necessary to ascertain the powers conferred on the Authorities under law or by the Government, as the case may be.

3. Learned Additional Government Pleader, appearing on behalf of the respondents, would submit that the Tahsildars are not conferred with the power to issue “No Caste No Religion” Certificate. The Tahsildars are empowered to issue listed certificates as per the Government Orders.

4. Issuance of “No Caste No Religion” Certificate would have certain implications. For inheritance/succession personal laws are applied and therefore, a decision by a person and its repercussions are to be looked into. Rule of reservations are availed of by the citizen, therefore, certain decisions, if taken without understanding the repercussions and



consequences, would affect the future generations. Examining the Government orders in the subject, originally the Government issued G.O.Ms.No.1210, Education Department dated 02.07.1973. The said Government order states that it is the discretion of any person to mention their caste or religion. They can leave the columns blank in the Transfer Certificate and School Certificates. Therefore, the right to leave the column blank in respect of caste and religion has been conferred on the individual person. Subsequently, the said position was reiterated by the Government by issuing G.O.Ms.No. 205, School Education Department dated 31.7.2000. The G.O.Ms.No.205 was issued reiterating the decision taken by the Government in G.O.Ms.No.1210 dated 02.07.1973. Therefore, the persons at the time of admission to Schools or educational institutions are at liberty to mention their caste and religion or to leave the respective columns blank, which cannot be questioned by the authorities. The caste or religion columns in the forms are unnecessary if a decision is taken by the individuals. With reference to the above Government Orders, the petitioner is at liberty to fill the application form in the School Certificates and Transfer Certificate, at the time of admission or otherwise as per his choice. The petitioner is at liberty to leave the column provided for caste and religion blank, which



cannot be questioned by the Authorities.

5. However, question of issuance of certificate of “No Caste No Religion” does not arise at all. Issuance of certificate is to be construed as a general declaration which cannot be issued by the Revenue Authorities in the absence of powers conferred by the Government. It is suffice if a person has not stated his caste and religion in the School Certificates or Transfer certificate but such persons cannot insist the Revenue Authority to issue certificate namely “No Caste No Religion” Certificate.

6. In the absence of any power conferred on the Revenue Authority to issue “No Caste No Religion” Certificate, High Court in exercise of powers under Judicial Review under Article 226 of the Constitution of India, cannot issue a direction to issue such certificate, which will open flood gate for other persons to seek such certificate and the authorities will be forced to issue such certificate in the absence of any such powers conferred either under any statute or by the Government.

7. The Learned counsel for the petitioner is unable to produce any



Government order or statute that he is entitled to secure “No Caste No Religion” Certificate from the Revenue Authority. In the absence of any such Government Orders, the Tahsildars cannot issue any and every certificate at their whims and fancies. Such unguided powers would lead to administrative anarchy and become unconstitutional. The Revenue Authority is expected to exercise their powers within the ambit of the statutes, rules and the Government Orders in force. They are not expected to issue the certificates at their choice. The claim of the petitioner has not been supported by any statute or Government Orders.

8. Mr.M.Navin Kumar, learned counsel for the petitioner would rely on the order passed by this Court dated 16.08.2022 in WP No.20883 of 2022. However, there is no discussion about the issues involved in the said order and more-so, the order was passed merely based on the instructions given by the Tahsildar through the learned Government Advocate, who represented the case. In the absence of any adjudication of issues, the said order cannot be followed as precedent. The representation of the learned Government Advocate has no basis nor any Government Order has been submitted.



9. A mere direction to consider the representation in such nature of relief would do no service to the cause of justice. Contrarily it will lead to multiplicity of proceedings. Thus establishing a legal right becomes mandatory for entertaining a writ petition.

10. Thus this Court is not inclined to entertain the present writ petition and consequently, it stands dismissed. However, there shall be no order as to costs.

22-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.

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