



W.P.No.7216 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.7216 of 2024

K.Shanmugam .. Petitioner
v.

1. Union of India represented by
the Government of Puducherry
through the Secretary to Government
for Revenue
Chief Secretariat
Puducherry 605 001
2. The Collector
Revenue and Disaster Management
Puducherry
3. The Secretary to Government
Department of Personnel and
Administrative Reforms
(Personnel Wing)
Chief Secretariat
Puducherry 605 001



W.P.No.7216 of 2024

4. The Tahsildar
Orleanpet, Taluk Office
Puducherry 605 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 4th respondent to issue community certificate to the petitioner to the effect that the petitioner belongs to Scheduled Caste category of Pondicherry on the basis of the community status of the petitioner's mother so as to enable the petitioner to join the post of Upper Division Clerk as per the selection.

For Petitioner :: Mr.V.Ajayakumar

For Respondents :: Mr.A.Tamilvanan
Additional Government Pleader
(Pondy)

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner is a native of Puducherry. The petitioner states that he has completed his studies in Mannadipet Government Primary School and Jawahar Navodaya School, Kalapet, Puducherry. It is the case of petitioner that his father and paternal grandfather are all natives of Puducherry. The petitioner was also issued with a community certificate earlier showing that he belongs to 'Adidravidar' community of Puducherry, which is recognised as Scheduled Caste under the Constitution (Pondicherry Scheduled Caste



W.P.No.7216 of 2024

Order) 1964. The petitioner applied for the post of Upper Division Clerk when the post was called by Puducherry Division. The petitioner claims that he is fully qualified for the said post and he had applied for the same. It is the further claim of petitioner that the petitioner's parents are all natives of Puducherry from time immemorial. The petitioner has stated that he has been issued with community certificate on the previous occasions by acknowledging the fact that he belongs to 'Adidravida' community of Puducherry.

2. Now the above writ petition is filed for issuance of a mandamus to the fourth respondent to issue community certificate to the petitioner to the effect that the petitioner belongs to Scheduled Caste category of Puducherry on the basis of the community status of the petitioner's mother so as to enable the petitioner to join the post of Upper Division Clerk as per the selection.

3. If the petitioner has really the certificate issued by the respondents on verification of his community status, the petitioner would have referred



W.P.No.7216 of 2024

to the same in the affidavit and his prayer would be to direct the respondents to issue community certificate on the basis of the certificate which was earlier issued to the petitioner. With misleading and contradictory statements, the petitioner has approached this Court finally for getting a direction from this Court to the fourth respondent to issue community certificate to the petitioner. When the petitioner has been issued with a community certificate earlier, the petitioner need not once again obtain another community certificate. The petitioner states that he is qualified for the post to which he applied and that the select list was also published by the Personnel and Administrative Reforms Department even in 2015.

4. This Court is not inclined to go into the issue whether he had really applied for the post in Puducherry and he was selected in the process of selection. However, we are inclined to record that the petitioner has filed the above writ petition without even disclosing a reasonable cause. Be that as it may, the learned counsel for petitioner now states that the appointing authority, who selected the petitioner for the post, is now insisting the community certificate once again from the petitioner, despite the fact that



W.P.No.7216 of 2024

the petitioner had enclosed the community certificate which was obtained by him in 2015. Therefore, the petitioner has submitted a representation dated 28.02.2024. The representation does not indicate any other application which was submitted by the petitioner earlier. It is seen that the petitioner has approached this Court immediately after making the application for issuance of community certificate on the basis of community certificate which was issued to the petitioner's mother. Even in the annexure to the representation, the petitioner has not produced the community certificate that was issued to the petitioner earlier.

5. The first impression we get from the nature of relief and the averments in the affidavit filed in support of the writ petition is that the petitioner appears to have applied for the post on the basis of community certificate which he did not believe to be in existence. However, considering the prayer in the writ petition and the fact that the petitioner has also submitted a representation dated 28.02.2024, this Court directs the fourth respondent-Tahsildar to consider the representation of the petitioner dated 28.02.2024 and to pass appropriate orders in accordance with law



W.P.No.7216 of 2024

within a period of six weeks from the date of receipt of a copy of this order.

WEB.COM

The writ petition stands disposed of. Consequently, W.M.P.No.8065 of

2024 is closed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
25.04.2024

ss

To

1. The Secretary to Government
of Puducherry for Revenue
Chief Secretariat
Puducherry 605 001
2. The Collector
Revenue and Disaster Management
Puducherry
3. The Secretary to Government
Department of Personnel and
Administrative Reforms
(Personnel Wing)
Chief Secretariat
Puducherry 605 001
4. The Tahsildar
Orleanpet, Taluk Office
Puducherry 605 001



WEB COPY



W.P.No.7216 of 2024

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.7216 of 2024

25.04.2024