



W.P.No.17742 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

|                        |                   |
|------------------------|-------------------|
| <b>RESERVED ON :</b>   | <b>19.07.2023</b> |
| <b>PRONOUNCED ON :</b> | <b>27.03.2024</b> |

**CORAM :**

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

**AND**

**THE HON'BLE MRS.JUSTICE N.MALA**

**W.P.No.17742 of 2023**  
**and W.M.P.No.16841 of 2023**

V.Harepriya

... Petitioner

**Vs.**

1. The District Collector  
WRR4+GCW, Vazhudavoor Road  
Pettaiyanchathiram, Petayan Chathiram  
Puducherry-60 009
- 2.The Sub-Collector (Revenue South)  
505, Kamaraj Salai, New Saram  
Naveena Garden, Thattanchavady  
Puducherry-605 013
- 3.The Tahsildar  
Villianur Taluk Office  
Puducherry -605 110
- 4.Deputy Tahsildar  
Villianur Taluk Office  
Puducherry-605 110



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5.The Convener Centralised  
Admission Committee (CENTAC)  
Government of Puducherry  
Puducherry- 605 001

6.The Secretary,  
Medical Council Committee  
Medical Council of India  
Department of Ministry of Health and Family Welfare  
Pocket 14, Sector-8, Dwarka  
New Delhi

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2<sup>nd</sup> respondent in Proceedings No.1738/SCRS/B7/Cert-Appeal/2023/1127 dated 17.05.2023 and to quash the same as illegal, incompetent and unconstitutional and to further direct the 3<sup>rd</sup> respondent to furnish an OBC and OBC-NCL certificate (Community Certificate-Origin of Puducherry) in the name of the petitioner based on the records furnished.

For Petitioner : Mr.V.Raghavachari, Senior counsel  
for Mrs.V.Srimathi

For Respondents : Mr.J.Kumaran, Addl Government Pleader  
for R1 to R5  
Mr.P.K.Ganesh for R6.



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## **ORDER**

**Per J.NISHA BANU, J.**

This Writ Petition is filed seeking to quash the Proceedings of the 2<sup>nd</sup> respondent dated 17.05.2023 and to further direct the 3<sup>rd</sup> respondent to furnish an OBC and OBC-NCL certificate (Community Certificate-Origin of Puducherry) in the name of the petitioner.

2. It is averred in the writ petition that the petitioner was born at Puducherry on 03.11.2004 and her parents are residents of Puducherry. She belongs to Uppara community (OBC). According to the petitioner, her parents are approaching the respondents for issuance of OBC certificate from 2019, but they could not get even though OBC was recognised in the State List and a G.O.was issued to that effect.

3. The petitioner's submission is that her parents are residents of Union territory of Puducherry from 1997. On the application preferred by petitioner's father, it is stated that the 3<sup>rd</sup> respondent-Tahsildar, Villianur, Puducherry, issued a migrant community certificate.



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4. The petitioner's further submits that she applied for NEET exam under both OBC-NCL category and General category. Since she could not get OBC-NCL (Origin) Certificate, but obtained only OBC Migrant Certificate dated 27.09.2010, the petitioner's father filed an appeal on 17.04.2023 before the 2<sup>nd</sup> respondent-The Sub-Collector (Revenue South), Puducherry. The petitioner also filed W.P.No.14643 of 2023 seeking for a direction to issue community certificate. This court disposed of the said writ petition with a direction to the appellate authority to pass appropriate orders after considering all the materials/documents within a period of 7 days from the date of the order i.e.04.05.2023.

5. The petitioner further states that the 2<sup>nd</sup> respondent-the Sub Collector (Revenue-South), Puducherry, rejected the appeal on 17.05.2023. According to the petitioner, petitioner's mother produced the following documents for issuance of origin certificate, however, the 2<sup>nd</sup> respondent rejected the appeal.

- (i) Copy of Electrolal Roll-1999
- (ii) Copy of Ration card
- (iii) Copy of Ration card issued during the year 1994
- (iv) Copy of inhumation report of Tmt.Seemanthammal for petitioner's



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grandmother.

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(v) Copy of Application form for the grant of National Maternity Benefit Scheme, 1996 in respect of petitioner's mother.

(vi) Copy of driving licence issued in the name of petitioner's father.

(vii) Copy of birth certificate of petitioner.

(viii) Copy of Aadhaar of Petitioner and her parents.

(ix) Copy of transfer certificate of petitioner.(14.06.2010)

(x) Copy of transfer certificate of petitioner (16.07.2020)

(xi) 10th and 12<sup>th</sup> Mark certificate of th epetitioner.

(xii) Copy of EPIC issued by ERO

(xiii) Copy of service certificate issued by the Factory HR Manager, Hindustan Unilever Limited in respect of the petitioner's father.

(xiv) Copy of confirmation letter issued by the Factory HR Manager, Hindustan Unilever Limited in respect of the petitioner's father.

(xv) Copy of EPIC of petitioner issued by ERO, Mangalam Assembly constituency

(xvi) Copy of form of community certificate issued to migrants in respect of petitioner's father.



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(xvii) Copy of transfer certificate issued to petitioner's father for completion of his study.

(xviii) Copy of permanent integrated certificate issued to petitioner's brother.

(xix) copy of form of community certificate issued to migrants belonging to OBC in respect of petitioner.

6. The learned Senior counsel for the petitioner contends that impugned order is per se illegal. Since the uppara community has been recognised in Pondicherry only in 2017, there is no requirement for the petitioner to create any false document prior to the said date and that all the documents produced by the petitioner before the 2<sup>nd</sup> respondent is genuine. The All India Rank of the petitioner in the NEET examination 2023-24 is 65206 and she secured 549 marks.

7. Additional Affidavit is filed by petitioner's father, wherein, he has stated that he has been unemployed for the past six months and that he was engaged in a temporary electrical repair works and earn on daily wage basis for the work performed. The petitioner's mother is stated to be house wife and they have no



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other property or land, capable of yielding income and their annual income does not exceed 8 lakhs. The petitioner's father also submitted that he is willing to provide all the necessary documents as and when called upon to produce.

8. Counter affidavit has been filed on behalf of respondents 1 to 4. It is stated that based on the report of the Village Administrative Officer, Thirubuvana Revenue Village, The Village Administrative Officer, Villianur Revenue Village has submitted his report recommending the State OBC certificate with migration status and not recommended the Central OBC certificate as the caste name “Uppara” is not included in the Central List of OBC for the Union Territory of Puducherry. Subsequently, the petitioner was issued with State OBC certificate with migration status dated 03.04.2023 and a detailed report was sent to the 1<sup>st</sup> respondent vide letter dated 12.04.2023. Aggrieved by the same, petitioner's father filed appeal. The 2<sup>nd</sup> respondent after calling upon the petitioner's mother for personal hearing conducted hearing and after perusing all material documents, passed the order dated 17.05.2023 holding that the request for the issuance of OBC Origin Certificate could not be entertained based on the guidelines for determining residents in the Union territory of Puducherry.



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9. It is submitted in the counter affidavit that a candidate can be issued a State OBC certificate with origin status only if the name of the caste is listed in the State list of OBC for the Union Territory of Puducherry. The G.O.Ms.No.9/2001 dated 19.02.2001 stipulate either the candidate or his father should be a permanent resident at the time of issue of notification i.e. 19.02.2001. A candidate could claim resident status if he ordinarily resided for the past five years from the date of application. As the petitioner's father resided in the Union Territory of Puducherry since 2003, he was eligible to get Residence certificate during the year 2010 and the same was issued. However, as he was not a permanent resident prior to the cut-off date i.e.19.02.2001, he was issued with the State OBC certificate with migrant status. The petitioner's father was demanded to produce the genuine certificate so as to issue Central OBC as per the guidelines.

10. It is also stated in counter affidavit that the petitioner was born on 03.11.2004 and there are no certificates issued from the respondent side and the previous report of the Village Administrative Officer was defective.

11. The Village Administrative Officer, Ariyur Revenue Village mentioned



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that on enquiring with the elderly villagers at Thamarai Nagar, Ariyur, it is asserted that the petitioner's father had not resided at the said place during the said period. Though the petitioner was given sufficient time and opportunity to submit documents, the petitioner's mother has not submitted any documents in support of her claim. Though the petitioner's caste was included in the list of State OBC for the Union Territory of Puducherry vide G.O., dated 07.06.2017 she was issued with State OBC migrant certificate owing to the fact that the petitioner's father migrated to the Union Territory of Puducherry during the year 2003 which is after the cut-off date.

12. In the counter affidavit, it is also stated that the petitioner was denied State OBC origin certificate due to the fact that the petitioner's father migrated to the Union Territory of Puducherry and resided permanently only from the year 2003 which is after the cut-off date.

13. It is stated by respondents 1 to 3 in the counter affidavit that there is no denial of the fact that the petitioner has undergone her academics from 1<sup>st</sup> std to 12<sup>th</sup> std in the Union Territory of Puducherry. It is the fact that the petitioner's



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father is not a permanent resident prior to the cut-off date i.e.19.02.2001. The respondents 1 to 3 would submit that people merely possess documentary evidence but not physically reside in the Union Territory of Puducherry and they also maintain records in the adjacent states like Tamil Nadu etc, if only documentary evidence is alone to be considered.

14. Heard both sides and perused the records.

15. A careful perusal of the affidavit and the additional affidavit filed by the petitioner would go to show that the petitioner's father and mother were residing in Puducherry and the petitioner was born at Puducherry. The petitioner's father was all along living in Puducherry. To prove the said fact, the petitioner produced various documents viz., Electoral Roll of Thirubhuvanai showing the petitioner's father at Serial No.687. The Electoral ID of petitioner's father issued on 23.03.2001 also shows the Puducherry address. The petitioner's father was residing with his grand parents and the informant name shown as Venkatanarayan in respect of death of certificate of petitioner's great grand mother. That apart the application form under the Maternity Benefit Scheme, 1996 shows that the



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petitioner's mother and father were residing at No.10, 1<sup>st</sup> street, Tamarai Nagar, Ariyur, Puducherry. The petitioner's father's education, employment all support the stand of the petitioner that her father was all along residing in Puducherry. In such circumstances, the report of the Village Administrative Officer, Ariyur, based on the statement of elderly villagers at Thamarai Nagar, Ariyur, that petitioner's father not resided in the said place is unacceptable. The various educational certificates, employment proceedings and Electoral card and voter list of Thirubhuvanai, would go to show that the petitioner is a permanent resident of Puducherry and is entitled to Community certificate as an origin of Puducherry. It is pertinent to point out that the Electoral Roll indicating the name of the petitioner in Serial No.687 is the document of the year 1999. The said document was issued prior to 2001. Hence, the crucial date stipulated in the notification vide G.O.Ms.No.9/2001-Wel(SW-II) dated 19.02.2001, is satisfied. Further more, the documents relied on by the petitioner in respect of resident status of her father are all records maintained by the Government of Puducherry and would reveal that the permanent residence of petitioner and her parents is Puducherry. Therefore, the petitioner having fulfilled the above criteria specified by the respondents, the petitioner is entitled to community certificate as an origin of Puducherry.



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16. For the reasons stated above, in the interest of justice, it is appropriate to quash the proceedings of the 2nd respondent dated 17.05.2023. The writ petition is disposed of with a direction to the 3rd respondent to furnish an OBC-NCL CERTIFICATE [community certificate-origin of Puducherry] in the name of the petitioner, after scrutinising the records furnished by the petitioner. No costs.

[J.N.B.,J]

[N.M.,J.]

27.03.2024

Index : Yes/No  
Speaking Order : Yes/No  
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To

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**J.NISHA BANU, J.,**  
**and**  
**N.MALA, J.,**

nvsri

Order made in  
**W.P.No.17742 of 2023**

27.3.2024