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WP.No.33013 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE N.SENTHILKUMAR

WP.No.33013 of 2017
WMP.No.36376 of 2017

Madugula Tanuja, represented by
her father Madugula Srinivasa Rao

Petitioner

Vs

1. Union of India, represented Government of Puducherry
through the Collector, Department of Revenue
and Disaster Management, Puducherry
2. The Deputy Tahsildar (Revenue), Department of
Revenue and Disaster Management, Yanam, Puducherry
3. The Director, Social Welfare Department, Puducherry
4. The Chairperson, National Commission for
Backward Classes, Trikoot-I, Bikaji Camp Place
New Delhi 66
5. The Chairman, Puducherry Backward Classes
Commission, Puducherry

Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in No.38/DTRY/CC/2015-16, dated 08.06.2016 and to quash the same and consequently to direct the 2nd Respondent to issue Community Certificate to the Petitioner, based on the Backward Class list issued in



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GO.Ms.No.9/2001/We1(SW-II), dated 19.02.2001.

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For Petitioner : Mr.V.Ajaykumar

For Respondents : Mr.J.Kumaran, AGP(Pondy)-RR1 to 3
Mr.V.Chandrasekaran, Senior Panel Counsel-R4
No Appearance-R5

ORDER

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

1. This Writ Petition has been filed, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in No.38/DTRY/CC/2015-16, dated 08.06.2016 and to quash the same and consequently to direct the 2nd Respondent to issue Community Certificate to the Petitioner, based on the Backward Class list issued in GO.Ms.No.9/2001/We1(SW-II), dated 19.02.2001.
2. The brief facts, which are necessary for disposal of this Writ Petition, are as follows:-
 - (a) The Petitioner states that she belongs to 'Pattu Sali' Community, which is recognised as Backward Class Community in the Union Territory of Puducherry, Andhra Pradesh, Etc. The Revenue Authorities did not consider the representation of the Petitioner, for issuing the Community Certificate, mentioning the Petitioner's Community as 'Pattu Sali' Community, which is Backward Class Community, as per the list issued by the Union Territory of Puducherry.
 - (b) It is seen that as per the list published by the Union Territory of Puducherry, regarding Backward Class Community, the Community



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“Pattu Saliar” alone is shown as the Backward Class Community. It was, therefore, the Petitioner was denied Community Certificate only on the ground that the Petitioner does not belong to the Community, which is shown in the list published by the Puducherry Government in the Yanam Region.

- (c) The case of the Petitioner is that “Pattu Sali” in Andhra Pradesh is also known as “Pattu Saliar” in Puducherry and both belong to one and the same Community. Due to usage of different terminology, the Revenue Authorities had rejected the request of the Applicant.
- (d) The counter affidavit, filed by the 2nd Respondent on behalf of the Respondents 1 and 2, shows that the Revenue Authorities of Yanam Region, are not in a position to decide as to whether “Pattu Sali” or “Pattu Saliar” are one and the same Community.
- (e) In the counter affidavit, it was further stated that the Community certificates are issued as per the Government Orders and clarification, required in this case, has to be obtained from the Social Welfare Department, Puducherry.
- (f) It was under these circumstances, this Court, by order dated, 07.02.2024, directed the learned Additional Government Pleader to get a clarification report from the Social Welfare Department, Puducherry and file the same before this Court. The Under Secretary to Government (Social Welfare), Government of Puducherry, had addressed a letter dated, 13.02.2024 to the learned Government Pleader for Government of



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Puducherry, clarifying the issue in the following lines:-

2. It is stated that even though the “Pattu Sali” and “Pattu Saliar” people are belonged to one and the same Community, due to difference in the terms, the Revenue Department, Yanam had rejected the request of the Applicant, since “Pattu Sali” Caste is not included in the OBC list whereas “Pattu Saliar” is included in the list of OBCs in the U.T. Of Puducherry. Hence, it is appropriate that the Revenue Department may take action to identify the Caste/ Community of the Applicant and if the Applicant belongs to “Pattu Sali” or “Pattu Saliar” Community, they can issue the OBC certificate in the name of “Pattu Saliar” which is included in the U.T. List of OBC, as both titles are referred to one and the same Caste/ Community.

3. It is also clarified that the Applicant may be given Origin certificate if his nativity or residence is on or before 19.02.2001, which is the cut off date for OBC communities. Otherwise he may be issued Migrant Certificate.”

3. The clarification now issued by the Social Welfare Department, Puducherry is in consonance with the case pleaded by the Petitioner before this Court.

Therefore, this Court is inclined to allow this Writ Petition, as prayed for.

4. At this juncture, It is pointed out by the learned Additional Government Pleader that it is still open to the Authorities concerned to consider as to whether the Applicant is entitled to get Origin Certificate or Migrant Certificate or not. The learned counsel for the Petitioner states that that is immaterial in the case of certificates issued to the OBC candidates.

5. Preserving such liberty to the Revenue Authorities, this Court, while quashing the impugned order of the 2nd Respondent, dated 08.06.2016, directs the 2nd Respondent to issue OBC Certificate to the Petitioner, showing the Community of the Petitioner as “Pattu Saliar”, which is included in the list of OBCs. However, the 2nd Respondent shall hold further enquiry



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as to whether the Petitioner is entitled to get Origin Certificate or Migrant Certificate or not and pass appropriate orders, after affording sufficient opportunity to the Petitioner. The 2nd Respondent may also decide as to whether the Petitioner is Origin of Puducherry or Migrant, if necessary.

6. In fine, with the above observations and directions, this Writ Petition is allowed. No costs. Consequently, the connected MP is closed.

(S.S.S.R.J.) & (N.S.J.)
21.02.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm
To

1. Union of India, represented Government of Puducherry, through the Collector, Department of Revenue and Disaster Management, Puducherry
2. The Deputy Tahsildar (Revenue), Department of Revenue and Disaster Management, Yanam, Puducherry
3. The Director, Social Welfare Department, Puducherry
4. The Chairperson, National Commission for Backward Classes, Trikoot-I, Bikaji Camp Place, New Delhi 66
5. The Chairman, Puducherry Backward Classes Commission, Puducherry



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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

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