



W.P.No.30959 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30959 of 2024  
and WMP.No.33563 of 2024

P.Sivaranjini

..... petitioner

Vs.

1.The Sub-Collector (Revenue) South,  
Revenue Complex,  
South Car Street, Villianur,  
Puducherry – 605 110.

2.The Tahsildar-cum-Executive Magistrate,  
Villianur Taluk,  
Revenue Complex,  
South Car Street, Villianur,  
Puducherry – 605 110.

3.The Co-ordinator (Admission),  
Centralized Admission Committee – CENTAC,  
Directorate of Higher and Technical Education,  
Kamarajar Manimandapam,  
Karuvadikuppam, Puducherry – 605 008.

..... Respondents



W.P.No.30959 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, praying to call for the records relating to the impugned order of the second respondent in No.5191/TOV/A3/Certificates/2024 dated 30.09.2024 which was confirmed by the first respondent vide consequential order issued in No.3/2-1/SCRS/B7/Cert-Appeal/2024/2222 Villianur, dated 10.10.2024 and quash the said orders and direct the second respondent to issue the Residence/Nativiry Certificate to the petitioner as the resident of Union Territory of Puducherry so as to enable the petitioner to avail Government Quota/Management Quota Seat in Post Graduate Medical (M.D/M.S) courses based on PG-NEET 2024 in Government/Private Medical Colleges of Union Territory of Puducherry.

For petitioner : Mr.J.Lakshminarayanan

For Respondents :Mr.Vasanthakumar  
Additional Government Pleader

### **ORDER**

The writ petition is filed challenging the order passed by the second respondent rejecting the request of the petitioner for issue of residential certificate which was confirmed in appeal filed by the first respondent.



W.P.No.30959 of 2024

2. It is the case of the petitioner that he is a native of Puducherry by birth and her parents and grand parents were also native of Puducherry. The petitioner pursued her school education and MBBS degree at Puducherry. She got married to one D.Bakkiaraj, residing at Katrambakkam Village, Vanur Taluk, Villupuram District on 15.05.2022.

3. It is further asserted by the petitioner though she got married to a person who was native of Tamil Nadu, she has been physically residing at Puducherry and working as General Duty Medical Officer on contract basis under the control of the Deputy Director (Public Health), Government of Puducherry. It is also stated by the petitioner that out of wedlock a male child viz., Akshanth was born on 20.07.2023 in Ashwini Maternity Hospital, Puducherry. The petitioner underwent NEET-PG-2024 examination conducted by the National Board of Examination in Medical Sciences, New Delhi and got percentile score of 49.78 and consequentially applied for



W.P.No.30959 of 2024

PG Medical (M.D/M.S) courses for the academic year 2024-2025. The petitioner applied for residential certificate from the second respondent and the second respondent rejected the request of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and the same was also dismissed. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner vehemently contended that the petitioner is a born native of Puducherry and she is physically living in Puducherry and working in the Primary Health Centre, Puducherry. The impugned order has been passed by the respondent by relying on the address given in the birth certificate of the petitioner's son. The learned counsel would submit that merely because for record purpose the address of the husband is mentioned in the birth certificate it cannot be said that the petitioner is not a permanent resident of Puducherry.



W.P.No.30959 of 2024

5. Mr.Vasanthakumar, learned Additional Government Pleader appearing for the respondents by relying on the counter affidavit filed by the first respondent submitted that during the enquiry, it came to the knowledge of the respondents that the petitioner was residing along with her husband in Tamil Nadu and for the purpose of delivery, she came back to Puducherry. The learned counsel also relied on the address mentioned in the birth certificate of the petitioner's child in support of the contention that the petitioner is residing along with her husband in Tamil Nadu.

6. A perusal of the impugned order would suggest that it is admitted case that the petitioner and her father were native of Union Territory, Puducherry. The petitioner produced her 10<sup>th</sup> and 12<sup>th</sup> standard mark sheets which would establish that she underwent schooling in Puducherry. The birth certificate of the petitioner dated 19.06.1995 would establish, she was born at Ashwini Maternity Hospital, Puducherry and her residence address was mentioned as Puducherry. The documents filed in the typed set of papers would



W.P.No.30959 of 2024

establish that the petitioner completed MBBS course in Sri Venkateshwaraa Medical College Hospital and Research Centre, Puducherry during May 2018. In the petitioner's Voter card and Aadhar card also, petitioner's address was mentioned as No.7, Ambedkar Street, Uthiravaninipet, Puducherry. The birth certificate issued to the petitioner's son dated 20.07.2023 would establish that the petitioner's son was born at Ashwini Maternity Hospital, Puducherry. However, in the birth certificate issued by the petitioner, the residential address was mentioned as Katrambakkam Village, Vanur Taluk, Villupuram District, which is her husband's native address. Relying on the same, the respondents rejected the request of the petitioner for residential certificate.

7. This Court in a case in Divya Dinesh Vs. Government of Puducherry in W.P.No.711 of 2022 by relying on the guidelines issued by Government of Puducherry, Revenue Department vide order bearing No.6260/C2/Rev/2023, dated 06.10.2003, held that while computing



W.P.No.30959 of 2024

the period of actual residence, temporary absence for education, job etc., shall be ignored. The petitioner produced various documents to show she resided at Puducherry from date of birth till the date of delivery of her child, i.e.,[19.06.1995 to 20.07.2023]. Merely because in the birth certificate issued to the child of the petitioner, her permanent residential address is mentioned as Katrambakkam Village, Vanur Taluk, Villupuram District, which is her husband's native address, it cannot be presumed that the petitioner lost her residential status.

8. The order of Government of Puducherry dated 06.10.2023, cited supra prescribes the criteria for determining residential status.

*“(1). DETERMINATION OF THE “RESIDENTS” IN THE UNION TERRITORY OF PONDICHERRY.*

*The following shall be the criteria prescribed for determining persons as residents of the Union Territory:- (i). The candidate or whose parent (either Mother or Father or Both) or Guardian (in the case of*



*children who have lost both the parents) has been residing continuously in this Union Territory for atleast five years preceding the date of application.*

*(ii). Those who have passed SSLC/HSC or any other public examination and for that purpose had undergone academic studies 4 W.P.No.711 of 2022 & W.M.P.Nos.776 & 777 of 2022 continuously for five successive classes immediately preceding the qualifying examination (including the year of qualifying examination) in recognized educational institution(s) located in Pondicherry UT and having their residence in Pondicherry UT for 5 years continuously during that period.*

*(iii). Children of Central/State Government Servants/Defence Personnel/Central Paramilitary Forces/Employees of Public Sector Undertakings wholly or substantially run either by the Central Government or by the Pondicherry UT Administration posted and serving in the pondicherry UT for atleast a minimum period of one year prior to the last date of submission of application.*

*(iv) Children of Defence Personnnel who were killed or disabled in action and children of Central*



*Government Servants/Pondicherry UT Government Servants/Defence Personnel/Employees of Public Sector Undertakings as referred in category (iii) who died while in service in the Pondicherry U.T.*

*(v). French Nationals residing in the Pondicherry UT and covered by the terms of the Treaty of Cession shall be treated on par with the candidates who produce the prescribed Pondicherry UT residence certificate. Such French Nationals will not be required to produce residence certificate, instead they should be produce a certificate of registration issued for the purpose from them."*

9. Criteria – II mentioned above clearly covers the case of the petitioner. As per documents filed by the petitioner, she passed 10<sup>th</sup> standard during March 2011 by studying in a school at Villiyanur, Puducherry. She passed 12<sup>th</sup> standard during March 2013 by studying in a school in Puducherry. The transfer certificate issued by her college would indicate she pursued MBBS degree from 05.08.2013 to 03.09.2019 at Medical College in Puducherry. Even now she works as Doctor in Primary Health Centre at Puducherry. Hence, there is ample



W.P.No.30959 of 2024

evidence to show she studied in Puducherry for nearly 8 years from 2011-2019. Now the petitioner wants to pursue PG Medical Degree.

Her qualifying examination is MBBS. She proved that she pursued her studies from 2011-2019 [i.e., eight years immediately proceeding date of qualifying examination] at Puducherry. Her birth certificate dated 19.06.1995, voter ID card dated 16.01.2014, Pan card dated 29.09.2018, Driving License dated 26.04.2022 clearly proves her residential address all along [from 1995-2022] was No.7, Ambedkar Street, Uthiravaginipet, Villianur, Puducherry. The certificate issued by Revenue Tahsildar, Vanurvattam, Villupuram District, dated 24.09.2024 in Na.Ka.No.A.11/1470/2024 will prove she is not residing at Katrambakkam Village, Vanur Taluk. Therefore, merely because in an isolated document birth certificate of her son, who also born in a hospital at Puducherry, the address was mentioned as Katrambakkam, the respondents are not entitled to refuse residential certificate to the petitioner.



W.P.No.30959 of 2024

10. Therefore, the impugned order passed by the respondents 1 and 2 is set aside and the writ petition stands allowed.

The second respondent is directed to issue residential certificate to the petitioner within a period of one week from the date of receipt of copy of this order.

11. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**10.12.2024**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
ub

**Note: Issue order copy on 12.12.2024.**

To  
1. The Sub-Collector (Revenue) South,  
Revenue Complex,

11/13



W.P.No.30959 of 2024

South Car Street, Villianur,  
Puducherry – 605 110.

WEB COPY

2.The Tahsildar-cum-Executive Magistrate,  
Villianur Taluk,  
Revenue Complex,  
South Car Street, Villianur,  
Puducherry – 605 110.

3.The Co-ordinator (Admission),  
Centralized Admission Committee – CENTAC,  
Directorate of Higher and Technical Education,  
Kamarajar Manimandapam,  
Karuvadikuppam, Puducherry – 605 008.

**S.SOUNTHAR, J.**

ub



WEB COPY



W.P.No.30959 of 2024

**W.P.No.30959 of 2024**

**10.12.2024**