



W.P.No.118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.118 of 2024

and

W.M.P Nos.126 & 127 of 2023

Gella Haribabu

... Petitioner

Vs.

1.The Secretary to Government for Revenue,
Chief Secretariat,
Puducherry 605 001.

2.The Deputy Collector (Revenue)
Yanam Union Territory of
Puducherry 533 464.

3.The Secretary to Government,
for DP & AR, Chief Secretariat,
Puducherry 605 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent with No.74/DTRY/Resd.2023-24/117 dated 27.09.2023



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and to quash the same and consequently to direct the first respondent to

issue Scheduled caste Community Certificate of Puducherry.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.J.Kumaran, Additional Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

This writ petition has been filed to quash the order passed by the second respondent, dated 27.09.2023 and consequently direct the first respondent to issue Scheduled caste Community Certificate of Puducherry to the petitioner.

2. According to the petitioner, he belong to Scheduled Caste community of Yanam, Union Territory of Puducherry and also orthopedically handicapped upto 55%. His name was sponsored by the Employment Exchange for the post of Lower Division Clerk and he was placed at rank 180 in the selection list. The respondent, however has not appointed the petitioner to the said post, stating that he belonged to



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Scheduled Caste migrated category, as he had migrated from the state of Andhra Pradesh, which is not correct.

2.1. It is contended by the petitioner that, his mother is a native of Yanam region, Puducherry and his father married her in the year 1962 itself, which is well before the Presidential Order. Subsequently, the Government of Puducherry has issued an order dated 3.8.1995, stating that the scheduled caste candidates of Puducherry are entitled to get community certificate of Puducherry origin, on the basis of the community status of the mother, Thereafter, the said order was withdrawn, vide another order issued on 10.11.2000.

2.2. Aggrieved by the said order, some persons approached this Court by filing W.P.No.30841 of 2022, wherein, it was declared that the petitioners thereon are entitled to get a community certificate on the basis of the community status of the mother. The said order was upheld by the Division Bench of this Court and the SLP filed by the government, which was numbered as C.A.No.9082/2014 was also dismissed by the Hon'ble



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Supreme Court.

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2.3. The petitioner completed all his studies in Yanam in the Union Territory of Puducherry and his parents were settled down in Yanam after their marriage. Hence the petitioner is entitled to get the community certificate on the basis of the community status of his mother. However, the first respondent has denied to issue SC community certificate stating that the father of the petitioner was a native of Tallarevu Mandal in Andhra Pradesh and the SC origin caste certificate should be decided based on the residential status of applicant's father on the crucial date 05.03.1964 and not on the residential status of mother father. As such, this petition has been filed.

3. Learned counsel for the petitioner submitted that, as per the order passed by this court in W.P.No.30841 of 2022, dated 16.08.2024, which was upheld by the Hon'ble Supreme Court in C.A.No.9082/2014, dated 19.04.2023, the petitioner is entitled to get a community certificate on the basis of the community status of his mother. Hence, he seeks liberty to the petitioner to make a representation before the authorities concerned seeking to issue a S.C. Community Certificate of Puducherry, based on the origin



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status of his mother.

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4. Learned Additional Government Pleader appearing for the official respondent submitted that, if the petitioner made such representation before the authorities concerned, the same will be considered and appropriate orders will be passed in accordance with law.

5. Recording the submission made by the learned counsel on either side, we are inclined to dispose of the writ petition as follows:

i) The petitioner is at liberty to make a representation before the authorities concerned, seeking to issue a Schedule Caste Community Certificate based on the communal status of his mother, within two weeks from the date of receipt of a copy of this order.

ii) On receipt of such representation, the respondent concerned shall consider the same and pass appropriate orders independently, in accordance with law, without being influenced any of the observations made by this court in this writ petition,



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within four weeks from the date of receipt of the representation.

There shall be no order as to costs. Connected miscellaneous petitions are closed.

(D.K.K.J.) (P.B.B.J.)

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Internet: Yes/No

Index : Yes/No

mst

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