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W.A.(MD) No.152 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD) No.152 of 2024

P.S.Sabapathi

... Appellant

-vs-

1.The District Collector
Thenkasi
Thenkasi District

2.The Revenue Divisional Officer
Sankarankovil Division
Sankarankovil
Thenkasi District

3.The Tahshildar
Sankarankovil Taluk Office
Sankarankovil Taluk
Thenkasi District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 13.10.2023, passed in W.P.(MD) No.24153 of 2023, on the file of this Court.



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For Appellant : Mr.B.Muneeswaran

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by D.KRISHNAKUMAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 13.10.2023, passed in W.P.(MD) No.24153 of 2023.

2. According to the appellant, he has completed M.B.B.S. Degree and he wants to join P.G.Course. Therefore, he applied to the third respondent for issuance of Economically Weaker Section (Income and Assets) Certificate. The same was rejected by the third respondent stating that since the appellant belongs to B.C.Community, he is not entitled for Economically Weaker Section (Income and Assets) Certificate. Hence, he filed the writ petition in W.P.(MD) No.24153 of 2023 and the learned Single Judge, by order dated 13.10.2023, dismissed the writ petition observing that the appellant belongs to B.C.Community and therefore, he is not entitled to the reservation which is meant for economically weaker section. It is seen that the appellant brought to the notice of the learned Single Judge that in favour of one G.Rajee,



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daughter of Ganapathi, who belongs to Reddy Ganjam Community (B.C.Community), the Economically Weaker Section (Income and Assets) Certificate has been issued. However, learned Additional Advocate General submitted that the said G.Rajee was erroneously issued with the said certificate and such erroneous issuance of certificate for another candidate would not furnish a cause of action for the appellant to claim the benefit. The learned Single Judge rejected the said claim of the appellant by relying upon a decision of the Full Bench of this Court in ***The State vs. S.Rajaram***, reported in ***2021 (2) CTC 801***, wherein it has been held as follows:

“19. It is well settled that Article 14 of the Constitution of India cannot be invoked for perpetuating illegality. A wrong order passed in one case cannot be made the basis for compelling a public authority to pass similar order in any other case. Even if the State implements an erroneous order passed by the Court, it cannot be precluded from challenging a similar order passed in another case, simply because appeal was not preferred in the earlier case (Paragraph No.17 in State of Madhya Pradesh Vs. Ramesh Chandra Bajpai, reported in (2009) 13 SCC 635)”

Challenging the same, the present appeal has been filed.



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3. Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for the respondents, on instructions, submitted that in order to enable the economically weaker sections, who are not covered under the existing scheme of reservations for the Scheduled Castes, Scheduled Tribes and the Socially and Educationally Backward Classes, to receive the benefits of reservation on a preferential basis in civil posts and services in the Government of India and admission in Educational Institutions, the Government of India have notified to provide 10% reservation to the Economically Weaker Sections in the Central Government post and services and for admission in Educational Institutions. The State Government, *vide* Circular No.4 of 2019, dated 04.05.2019, has prescribed certain norms to be fulfilled by the candidates for the Economically Weaker Section (Income and Assets) Certificate.

4. Learned Additional Government Pleader would further submit that the appellant belongs to B.C.Community and he has already availed the benefit of reservation available to B.C.Community while undergoing the M.B.B.S.Degree. Further, the appellant is having a joint ancestral property measuring more than five acres of land and a house measuring more than



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2000 sq.ft. Therefore, he is not entitled for the Economically Weaker Section (Income and Assets) Certificate and to that effect, he has also produced a copy of the communication dated 05.10.2023 received from the Revenue Tahsildar, Sankarankovil, before this Court.

5. Heard the learned counsel for the appellant and perused the materials available on record.

6. The case on hand relates to issuance of Economically Weaker Section (Income and Assets) Certificate. The appellant has completed M.B.B.S.Degree and he wants to join P.G.Course under the Central quota. Hence, he wants the Economically Weaker Section (Income and Assets) Certificate. Admittedly, the appellant belongs to B.C.Community, whose candidates are not entitled for the said certificate. Further, the State Government *vide* Circular dated 04.05.2019 has prescribed certain norms for issuance of such certificate to the candidates. In this regard, a perusal of the communication dated 05.10.2023 sent by the Revenue Tahsildar, Sankarnkovil, to the Government Pleader, categorically shows that the appellant has not at all fulfilled any of the norms prescribed under the



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Circular dated 04.05.2019, as he is having a joint ancestral property of more than five acres of land and a house measuring more than 2000 sq.ft.

7. With regard to the claim of the appellant that a similarly placed person i.e. G.Rajee has obtained, who belongs to B.C.Community, has obtained the Economically Weaker Section (Income and Assets) Certificate, is concerned, we are of the view that an erroneous issuance of a certificate cannot be made a basis for compelling a public authority to issue a similar certificate to the another candidate. Therefore, for the foregoing reasons, we are not inclined to interfere with the order passed by the learned Single Judge.

8. Accordingly, the writ appeal fails and it is dismissed. No costs.

[D.K.K., J.]

[R.V., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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