



W.P.No.8849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8849 of 2025

Kona Veerababu

..

Petitioner

Vs.

1. The Union Territory of Puducherry
Rep. by its Under Secretary to Government (Home)
cum Head of Office, Fire Service
Puducherry.
2. The Union Territory of Puducherry
Rep. by its Secretary
Department of Revenue and Disaster Management
Sub-Taluk Office, Yanam.
3. The Deputy Tahsildar cum Executive Magistrate
Government of Pondicherry
Sub-Taluk Office, Yanam.
4. The Divisional Fire Officer
Department of Fire, Pondicherry.
5. Kona Sathish. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the records in impugned order No.1125/STOY/EWS-Refusal/2-24-25/327 dated 25.02.2025, passed by the 3rd respondent and quash the same and to consequently direct the 3rd respondent to issue the EWS Certificate forthwith to the petitioner.



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For the Petitioner : Mr.R.Haikrishnan
For the Respondents : Mr.R.Sreethar
1 to 4 Addl. Govt. Pleader (Puducherry)

ORDER

This writ petition is filed challenging the impugned order dated 25.02.2025, in and by which, the petitioner's prayer to issue him a Economically Weaker Section [for brevity, hereinafter referred to as EWS"] certificate is refused.

2.1. The case of the petitioner is that earlier, the petitioner has been given the EWS certificate. The petitioner applied for selection to the post of Station Officer in the Fire Department, Government of Union Territory of Puducherry. By the selection list dated 30.12.2024, the petitioner was selected under the EWS quota. As per the requirements in the said recruitment, the selected candidates have to apply for the respective community/EWS certificate afresh and should produce the same to the Authority within the prescribed date.

2.2. Accordingly, the petitioner had also made a fresh



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application. While so, a candidate who was not selected and who was kept in the waiting list, by name one *Kona Sathish*/fifth respondent, seems to have made some objections for grant of EWS certificate to the petitioner. On the said information, the Authority, behind the back of the petitioner, collected some information from the appropriate Authorities in the State of Andra Pradesh and have now concluded that by adding the properties so mentioned by the Authorities from the State of Andra Pradesh and also by wrongfully calculating the properties belonging to the grandparents, the petitioner was dis-entitled for the certificate as Economically Weaker Section and has accordingly refused the certificate.

3.1. *Mr.R.Haikrishnan*, learned counsel appearing on behalf of the petitioner would submit that when the petitioner's application is decided upon the materials that were collected behind the back of the petitioner, the petitioner ought to have been given an opportunity to explain about the same.

3.2. The learned counsel would further submit that for example, the Authority has concluded that the petitioner is possessing lands in



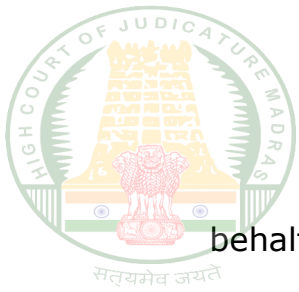
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all totaling to 5.2 acres, whereas, the ceiling limit itself is only 5 acres.

In this regard, the details of the properties that are mentioned in paragraph 5 of the impugned order are incorrect. Si.Nos.1 and 4 also do not belong to the father of the petitioner at all. Therefore, such factually incorrect informations are furnished to the Authority and the Authority, without even seeking an explanation from the petitioner, has passed the impugned order.

3.3. He would also submit that similarly, as per the Government of India's Office Memorandum and the Clarifications issued by way of FAQs, more specifically FAQ No.4 in the Clarification dated 19.09.2022, the extents belonging to the grandparents should not be included as if it is belonging to the family. Whereas, the same is in a way sought to be done in the finding related to paragraph 6. Therefore, the learned counsel submits that the petitioner has a valid explanation to offer and not granting an opportunity has caused grave prejudice to the petitioner.

4. When the matter came up for admission, *Mr.R.Sreethar*, learned Additional Government Pleader (Puducherry), appearing on



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behalf of respondents 1 to 4, sought time to get instructions and to file a counter in the matter, however, when the Court made a specific question that whether any show-cause notice was issued and whether the materials collected from the Andra Pradesh Authorities were supplied to the petitioner, the learned Additional Government Pleader (Puducherry) is unable to pinpoint about the same.

5. The petitioner has made categorical averments that the Authorities never furnished those documents and that he was not heard. Further, on a perusal of the impugned order, no hearing is referred to nor any show-cause notice is also mentioned in reference. Even though in the application filed by the petitioner, no show-cause notice is required to be given, but, when the Authority is relying upon some materials which are not to the knowledge of the petitioner, the petitioner should have been given an opportunity to explain about the same.

6. In view of the limited nature of the order that is passed, the writ petition itself is disposed of at the admission stage without issuing notice to the fifth respondent.



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- i. The impugned order dated 25.02.2025 bearing reference No.1125/STOY/EWS-Refusal/2024-205/327, passed by the third respondent, shall stand quashed;
- ii. The petitioner shall appear before the first respondent on 14.03.2025 and the petitioner shall be furnished with the copies of the details that are obtained from the Andra Pradesh Authorities and also the materials that are furnished by the fifth respondent;
- iii. The petitioner shall submit an explanation, relating to the said materials, on or before 20.03.2025. The authorities, upon considering the explanation in writing or orally and considering the documents that are submitted by the petitioner, shall pass fresh orders; and
- iv. Till then, the recruiting Authority, namely the fourth respondent, shall await further decisions, until fresh orders are passed by the third respondent with reference to the EWS quota alone. It is also needless to mention that the fifth respondent can also be heard while deciding the matter.



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7. In light of the above, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, W.M.P.Nos.9932 & 9936 of 2025 are closed.

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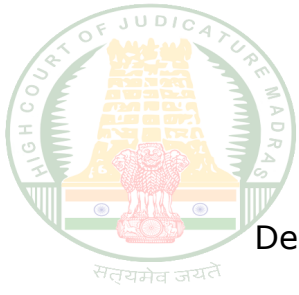
Index : Yes/No

Neutral Citation: Yes/No

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To:

1. Under Secretary to Government (Home)
cum Head of Office, Fire Service
The Union Territory of Puducherry
Puducherry.
2. The Secretary
The Union Territory of Puducherry
Department of Revenue and Disaster Management
Sub-Taluk Office, Yanam.
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Department of Fire, Pondicherry.

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D.BHARATHA CHAKRAVARTHY,J.

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