



W.P.No.8685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

WEB COPY

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.8685 of 2024

E.Anitha .. Petitioner

-VS-

1. The Union Territory of Puducherry
rep by its Chief Secretary
Beach Road
Puducherry 605 001
2. The Director
Directorate of Health and Family Welfare Services
Old Maternity Hospital Complex
Victor Simonel Street
Pondicherry 605 001
3. The Sub Collector (Revenue)
Villiyannur South
Government of Puducherry
Puducherry 600 110
4. The Tahsildar
Taluk Office,Villiyannur
Puducherry 600 110 .. Respondents



W.P.No.8685 of 2024

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for records of the 3rd respondent in his impugned order in his Proceeding No.1396/SCRS/B7/Cert-Appeal/2024/598 dated 21.03.2024 and quash the same and consequently direct the 4th respondent to issue the Nativity and Community Certificate to the petitioner forthwith.

For Petitioner :: Mr.D.Ravichander
and Mr.P.Dinesh Kumar

For Respondents :: Mr.R.Sreedhar
Additional Government Pleader
(Puducherry)

ORDER

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

The writ petition has been instituted to assail the order of rejection dated 21.03.2024 rejecting the application submitted by the petitioner seeking residence certificate and community certificate.

2. The learned counsel appearing on behalf of the petitioner, during his opening argument, informed this Court that the residence certificate has already been issued to the writ petitioner. Thus part of relief has been already granted. This Court has to examine whether the petitioner is



W.P.No.8685 of 2024

entitled for the community certificate or not.

WEB COPY

3. The petitioner states that she pursued her school education from First Standard in the Union Territory of Puducherry. She completed her college education also in Puducherry. She is employed in Puducherry. However, in paragraph-3 of the affidavit filed by the petitioner, it is stated that the father of the petitioner Mr.Elango was originally residing in Kottakuppam, Villupuram District, Tamil Nadu.

4. The application submitted by the petitioner seeking residence certificate and community certificate was rejected by the Sub Collector in proceeding dated 21.03.2024. The reason for rejection is that the petitioner has not established that her origin is Puducherry and the documents produced by the petitioner were found to be insufficient to arrive at a conclusion that she is entitled for community certificate for the purpose of seeking employment in Union Territory of Puducherry.

5. The learned counsel for petitioner would submit that when the



W.P.No.8685 of 2024

WEB COPY

origin of petitioner's husband is Puducherry and the petitioner also pursued her entire education at Puducherry and residence certificate has been already issued to the petitioner, there is no reason to deny the community certificate and the petitioner is entitled to avail the benefit of reservation in employment in the Government of Puducherry.

6. The learned Additional Government Pleader appearing on behalf of the respondents would oppose by stating that issuance of community certificate is guided by the Government Orders and as per the Government Orders, to avail the benefit of reservation in respect of employment in the Government of Puducherry, a person's origin must be in Puducherry and the possession of residence certificate would be insufficient to extend the benefit of reservation in employment in the Government of Puducherry. In the present case, the documents produced by the petitioner revealed that her father is having documents obtained both in Tamil Nadu and in Puducherry. As far as voter identity card is concerned, his name is registered in Kottakuppam village, Vanur Taluk, Villupuram District, Tamil Nadu as well as in Puducherry. In view of dual documents and further the origin aspect



W.P.No.8685 of 2024

has not been established as per the Government notification dated 08.08.2019, the application submitted seeking community certificate has been rejected. Thus there is no infirmity in the order impugned and the writ petition is to be rejected.

7. This Court has considered the rival contentions. Guidelines for issuance of residence certificate in the Union Territory of Puducherry were issued in order dated 06.10.2003. The criteria prescribed for determining persons as residents in the Union Territory of Puducherry read as under:-

“(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 continuously for 5 successive classes immediately preceding the qualifying examination (including the year of the 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.

(i)While computing the period of actual residence, temporary absence for education, job etc., shall be ignored. In cases where the parents have



WEB COPY



W.P.No.8685 of 2024

gone abroad for the purpose of employment, then the residence of Grand parents in the U.T. of Pondicherry may also be taken for the issue of Residence Certificate for study purpose only to their Grand Children in exceptional and genuine cases, where the children reside with grand parents and are studying in recognized educational institutions in the U.T. Of Pondicherry.

(ii) The actual and physical residence of the applicant/parent/Guardian is essential. But, mere possession of evidences like Ration Card, EPIC Card or previous certificate etc. are not the sole criteria for issuance of the Residence Certificate. At the same time, such evidences should not be totally ignored. After detailed enquiry, if it is found that such evidences are false or obtained on false representation of facts, immediate action has to be taken by the certificate-issuing authorities (Tahsildar/Dy.Tahsildar) to inform the appropriate authorities to cancel them. It shall also be brought to the knowledge of the concerned Deputy Collector (Revenue)/ Joint Secretary (Revenue) for follow up action.”

8. The Department of Revenue and Disaster Management, Union Territory of Puducherry issued an order on 07.01.2010 regarding issuance of residence certificate to women who are married and settled in States outside Puducherry. With reference to the said order, residence certificate has already been issued to the petitioner, since she is continuously residing in Puducherry for more than five years.



W.P.No.8685 of 2024

WEB.COM

9. For the purpose of securing employment in the Government of Puducherry, in view of the fact that many ineligible persons made attempts to avail the reservation benefits to secure public employment in the Union Territory, the policy regarding issuance of community certificate has been changed by the Union Territory administration and the new policy was issued in G.O.Ms.No.15/SWS/2019-20, Puducherry dated 07.08.2019 and published in the Gazette Extraordinary No.132 on 08.08.2019. The concluding two paragraphs of the policy, read as under:-

“And whereas, the Administrator of Puducherry decided to get the approval of the Ministry of Home Affairs, Government of India vide letters, dated 06-12-2017 and 26-07-2019. Accordingly, the Ministry of Home Affairs, Government of India has agreed to the proposal of Government of Puducherry for fixing the cut-off date as 19-02-2001 for determining the status of origin/migrant Other Backward Class (OBC) in the Union territory of Puducherry.

Now, therefore, in compliance with the instructions of Ministry of Social Justice and Empowerment, Government of India, New Delhi, the Lieutenant-Governor, Puducherry, is pleased to approve the proposal of the Social Welfare Secretariat as resolved by the Council of Ministers and for the said purpose hereby declares the date “19th February, 2001” as the cut-off date for determining the status of the origin/migrants Other Backward Classes, in the Union Territory of Puducherry.”



W.P.No.8685 of 2024

WEB COPY

10. It is not in dispute that community certificate was originally issued to the petitioner when she was pursuing her school education. It is clarified that the said certificate cannot be utilised for the purpose of availing the reservation benefits and for securing employment in the Government of Puducherry. A separate community certificate is to be obtained, which will be granted after scrutinizing the fact that the applicant's origin is Puducherry. Thus the benefits of reservation have been granted to such origin/migrants of Puducherry and a separate community certificate is to be obtained by establishing the said fact before the competent authorities. The above Government policy gazetted would reveal that the cut-off date has been fixed as 19.02.2001 for determining the status of the origin/migrants. Therefore, any person aspiring to secure public employment in the Government of Puducherry has to secure a separate community certificate with an indication that he/she is an origin of Puducherry for submitting application for public employment in the Union Territory. Thus a distinction has been drawn by the Government of Puducherry for general community certificate and the community certificate, which is to be issued for the purpose of availing the reservation benefits in



W.P.No.8685 of 2024

public employment in the Government of Puducherry. When two different certificates are issued and policy decision has been taken and an order was gazetted, this Court is of the opinion that the petitioner's claim was rejected, in view of the fact that she failed to establish that she is an origin of Puducherry.

11. The learned Additional Government Pleader has submitted documents produced by the petitioner, which would reveal that the father of the writ petitioner is having documents to establish that he is a resident of Tamil Nadu and that being so, this Court is of the considered view that the petitioner is not entitled for the relief.

12. The High Court, in exercise of the powers of judicial review, cannot scrutinize the documents relating to community certificate. The reason stated in the order impugned would be sufficient to form an opinion that the petitioner has not established sufficiently for the purpose of grant of community certificate to avail the benefit of reservation to secure public employment in the Government of Puducherry. That being so, the petitioner



W.P.No.8685 of 2024

is not entitled for the relief and accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.9694 of 2024 is also dismissed. No costs.

Index : yes

(S.M.S.,J.) (K.R.S.,J.)

Neutral citation : yes

21.03.2025

ss

To

1. The Chief Secretary
Union Territory of Puducherry
Beach Road
Puducherry 605 001
2. The Director
Directorate of Health and Family Welfare Services
Old Maternity Hospital Complex
Victor Simonel Street
Pondicherry 605 001
3. The Sub Collector (Revenue)
Villiyannur South
Government of Puducherry
Puducherry 600 110
4. The Tahsildar
Taluk Office, Villiyannur
Puducherry 600 110



WEB COPY



W.P.No.8685 of 2024

S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

W.P.No.8685 of 2024

21.03.2025