



W.P.No.10905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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Veedhi Veera Lakshmi

... Petitioner

Vs.

1. The District Collector/District Magistrate,
Puducherry-605 003.
- 2.The Deputy Director (HQ),
Department of Revenue and Disaster Management,
Government of Puducherry.
- 3.The Under Secretary to the Government,
Department of Personnel and Administrative Reforms Wing,
Chief Secretariat, Puducherry.
- 4.The Deputy Collector (Revenue),
Yanam.
- 5.The Deputy Tahsildhar cum Executive Magistrate,
Sub Taluk Office, Yanam.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the dismissal order passed by the second respondent in the Appeal Order No.1683/DRDM/C2/2024/1317 dated 05.03.2024 based on the order of rejection of the fifth respondent in Order No.97/STOY/EWS/RES-Refusal/2023 dated 27.09.2023 respectively and quash the same and direct the fifth respondent to issue Nativity Certificate and Economically Weaker Section Certificate to the petitioner to avail the post of Lower Division Clerk.

For Petitioner : Mr.K.S.Seya Ganesh

For Respondents : Mr.M.Nirmal Kumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the dismissal order passed by the second respondent in the Appeal No.1683/DRDM/C2/2024/1317 dated 05.03.2024, based on the order of rejection of the fifth respondent in Order No.97/STOY/EWS/RES-Refusal/2023 dated 27.09.2023 respectively and for a consequential direction to the fifth respondent to issue Nativity



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Certificate and Economically Weaker Section Certificate to the petitioner to avail the post of Lower Division Clerk.

2. The petitioner applied and was selected for the post of Lower Division Clerk under the third respondent herein and was directed to submit Nativity Certificate and Economically Weaker Section Certificate before the office of the fifth respondent herein. The petitioner made an application before the fifth respondent requesting the said Certificates and the same was rejected stating that the petitioner was not a resident of Puducherry and she was married to one Veera Venkata Satya Prasad at Andhra Pradesh and that her name was enrolled in the house scheme governed by Andhra Pradesh and therefore, Nativity Certificate cannot be issued and it was further stated that the petitioner's mother owns a land measuring an extent of 148 sq.mts and tiled house to an extent of 400 sq.ft at Kanakalapeta, Yanam, which was exceeding the limit and hence, Nativity Certificate and Economically Weaker Section Certificate could not be issued to the petitioner.



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3. The learned counsel appearing for the petitioner submits that the petitioner was born and brought up at Kanakalapeta, Yanam, and has completed her schooling in the same locality. She was married to one Veera Venkata Satya Prasad, who was previously residing in the State of Andhra Pradesh. It is true that after the marriage, the petitioner started to reside at her mother's house for almost one year from the date of marriage and she has been currently residing at a rental house at No.10-10-30H, Flood Bank Road, Kanakalapeta, Yanam. She has not relocated elsewhere till date. The petitioner states that her name is continuously still in her mother's Ration Card and it is very clear from Aadhar Card, Voter ID and Ration Card existing in her residential address that the petitioner is a resident of Yanam. That apart, she is still residing in a rental house and does not own any property and therefore, the application of the petitioner was wrongly rejected by the fifth respondent.

4. The learned Government Advocate appearing for the respondents submits that from the enquiry and spot inspection conducted by



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the fifth respondent, it was ascertained that the petitioner has been residing at Velangi, Andhra Pradesh along with her husband family since her marriage was solemnized on 26.08.2021. It was also found that her name was enrolled in the Scheme Rice Card provided by the State Government of Andhra Pradesh which also witnesses that the petitioner is having residence at Velangi, Andhra Pradesh, after her marriage. Considering all the above, the respondents have rejected the case for issuance of the certificate which does not require any interference.

5. This Court considered the submissions made by both sides and perused the materials available on record.

6. There is no dispute with regard to the facts submitted in this case. The petitioner was born and brought up at Kanakalapeta, Yanam and completed her school in the same locality. For more than thirty years, the petitioner has been the resident of Union Territory of Puducherry till her marriage in the year 2021 after which she has relocated to Andhra Pradesh.



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However, till date, the name of the petitioner continuous in the Ration Card and the residential address is also shown as Yanam in all the official documents, namely, Aadhar Card, Voter ID etc. The mechanism for determination of the residents in the Union Territory of Puducherry is governed in the Circular issued by the Revenue Department vide No.6260/C2/Rev/2003 dated 06.10.2003, wherein the following has been laid down:

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

The following shall be the criteria prescribed for determining persons as Residents of this 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.

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(2)Further the certificate-issuing authorities are instructed to strictly adhere to the following instructions in deciding the resident status of the applicants, namely:



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

(3) For getting Nativity/Residence certificate, the



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application has to be submitted by the applicant to the concerned Tahsildar of Taluk Office or Dy.Tahsildar of Sub-Taluk Office and it will be forwarded to the Village Administrative Officer of the concerned revenue village through the Revenue Inspector for discreet enquiry and report. If the applicant or parent or guardian resides in the concerned revenue village, as per the criteria mentioned in pre-paras, the Village Administrative Officer shall make a report and it shall be verified by the Revenue Inspector. After considering the reports of the VAO and RI, the Dy.Tahsildar or Tahsildar of concerned Sub-Taluk or Taluk may issue the certificate to the applicant.”

7. As stated above, the petitioner done her schooling in Puducherry and for more than thirty years, she has been the resident of Puducherry and applied the conditions prescribed in the Circular. The movement of the petitioner on account of her marriage from Union Territory of Puducherry to Andra Pradesh cannot absolve herself as a native of Puducherry. When it is the specific case of the petitioner, she is still the resident of Puducherry even after her marriage and all the official



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documents clearly shows that the petitioner is the resident of Puducherry and therefore, the respondents are bound to issue Nativity Certificate in respect of the petitioner by applying the aforesaid Circular. Therefore, insofar as the rejection of Nativity Certificate for the petitioner by the respondents, the request to be interfered with.

8. Insofar as the claim of the petitioner for Economically Weaker Section Certificate, the respondents have taken the extent of land owned by the petitioner's mother to reject her claim for a certificate under the Economically Weaker Section Category. It is not the case of the respondents that the petitioner is possessed of the property. When there is no document which shows that the petitioner owns any property, the property of the petitioner's mother cannot be the basis to determine the economic status of the petitioner, more so when the petitioner is married as back as in the year 2021 and as on date, the property of the petitioner's mother is still in the name of the petitioner's mother. When the respondents have not established that the petitioner is possessed of any property, the necessary Economically



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Weaker Section Certificate sought for by the petitioner ought to have been issued by the respondents. Therefore, citing the property owned by the petitioner's mother to reject the certificate of the petitioner is grossly impermissible and therefore, the same also requires to be interfered.

9. For the reasons aforestated, this Writ Petition is allowed and the fifth respondent is directed to issue the Nativity Certificate and also the Economically Weaker Section Certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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(2/2)

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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M.DHANDAPANI, J.

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