



W.P.No.18373 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.18373 of 2025 and
W.M.P.Nos.20571 & 20572 of 2025

Prasad Mallipudi

... Petitioner

-VS-

1. Deputy Tahsildar-cum-Executive Magistrate,
Government of Puducherry,
Sub-Taluk Office,
Yanam-533 464.

2. The Deputy Collector (Rev), Yanam
Government of Puducherry,
Office of the Deputy Collector (Revenue),
Yanam-533 464.

3. Government of Puducherry,
Fire Service Department,
Rep. by its Divisional Fire Officer,
Housing Board Shopping Complex,
Near Govt. Staff Quarters,
Lawspet, Puducherry-605 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from 1st Respondent, relating to the proceedings dt. 16.04.2025 bearing reference No.1602/STOY/EWS/RES-Refusal/2024/425 read with



W.P.No.18373 of 2025

the proceedings of the 2nd Respondent dated 06.05.2025 bearing ref. No. 113/DCRY/D1/EWS/2025-26/, quash the same as illegal arbitrary, unconstitutional. without jurisdiction and to consequently direct the 1st Respondent to issue residential and EWS certificate to the Petitioner, protecting his selection as Fireman in the 3rd Respondent Department.

For Petitioner : Mr.N.G.R.Prasad
For M/s.Row and Reddy
For Respondents : Mr.V.Vasanthakumar (Pondy)
Addl. Govt. Pleader

ORDER

*(Order of the Court was made by **J.NISHA BANU,J.**)*

This writ petition has been filed, challenging the impugned proceedings of the 1st Respondent dated 16.04.2025 bearing reference No. 1602/STOY/EWS/RES-Refusal/2024/425 r/w the proceedings of the 2nd Respondent dated 06.05.2025 bearing Ref.No.113/DCRY/D1/EWS/2025-26/, in and by which, both the Original and Appellate Authorities refused to grant residential and Economically Weaker Section (EWS) certificates to the petitioner. The petitioner also sought for a direction to the 1st Respondent to issue residential and EWS certificates to him, protecting his selection as Fireman in the 3rd Respondent Department.



W.P.No.18373 of 2025

2. The case of the petitioner is that his parents have been

residing in Gutthinadeevi Village, Andhra Pradesh and the petitioner, who was born on 08.06.2011, has been living in his grandparents' house at Yanam since childhood. He did his schooling and college only in Yanam and duly registered all his qualification in the Town Employment Exchange, Yanam vide Reg.No.PY04-12016357. His parents also moved to Yanam from 2014 and the petitioner obtained residence / income certificates from the 1st respondent on 21.07.2017.

3. It is further case of the petitioner that while so, pursuant to the notification issued by the 3rd respondent to fill up the post of Fireman and Fireman Driver Grade III, the petitioner participated in the selection and he was selected for the post. The petitioner was called for certificate verification. When the petitioner approached the 2nd respondent for getting residence and EWS certificates, his application was rejected on the ground that his name reflects in the ration card of his parents in Andhra Pradesh. According to the petitioner, the impugned orders are passed by the respondents 1 and 2 without non application of mind, ignoring the fact that



W.P.No.18373 of 2025

the parents of the petitioner shifted to Yanam as early as 2014 itself and his younger brother is also undergoing studies in Yanam. The petitioner is forced to face hardship, pursuant to the impugned orders of the respondents 1 & 2 and therefore, the same are liable to be set aside.

4. The 1st respondent has filed a counter affidavit, which has been adopted by the 2nd respondent, wherein it has been *inter alia* stated as follows:

i) The petitioner applied for residence and EWS certificates on 13.03.2025 along with relevant documents to the 1st respondent herein and the same was sent to the Village Administrative Officer (VAO) for enquiry. The VAO, after spot enquiry, submitted his report stating that the petitioner's native and dwelling place is in Andhra Pradesh and they moved to Yanam just few days before the enquiry. It was also found that the petitioner is having Aadhar and Ration cards both in Andhra Pradesh and Yanam. The details of those cards have been furnished in Paragraph No.6 of the counter affidavit.



W.P.No.18373 of 2025

ii) The ration card of the petitioner was sent to Civil Supplies

WEB CO Officer, Yanam to ascertain the status of the card and it was informed that the name of the petitioner was deleted from the Ration Card issued in Yanam, as he is having active Ration Card in Andhra Pradesh. Even after deletion of name in the Yanam Ration Card, the petitioner drew benefits in the State of Andhra Pradesh in his parents Ration Card and obtained community, nativity, date of birth and income certificates from the Revenue Department of Andhra Pradesh.

iii) As per the guidelines dated 06.10.2003, issued by the Secretary (Revenue), Revenue Department, Puducherry, it is mandatory that parents or guardian (in case of orphan) of a person (applying certificate) must have resided continuously in the Union Territory for at least five years preceding the date of application to consider issuance of the residence certificate to that person. It is a false statement that the parents of the petitioner moved to Yanam in the year 2014 itself. The petitioner has taken steps to delete his name in the Ration Card of Andhra Pradesh only after his provisional selection as Fireman. Therefore, considering all these aspects,



W.P.No.18373 of 2025

the application of the petitioner was rejected by the 1st respondent, which has been upheld by the 2nd respondent.

5. Learned counsel for the petitioner submitted that the enquiry has been conducted behind the back of the petitioner and it is not known as to how a conclusion was arrived by the respondents 1 and 2 that the parents of the petitioner changed their residence recently and not in 2014, as the petitioner was not even called for enquiry at the time of inspection by the VAO. It is further submitted that the respondents 1 and 2 ignored all the valid certificates issued by their own office and refused to grant residence and EWS certificates. The mechanical rejection of the claim of the petitioner will cause irreparable loss to the petitioner. Though the petitioner has been selected for the Government Service, he is not able to join duty on account of non-production of the certificate.

6. Learned Additional Government Pleader appearing for the respondents contended that at the time of enquiry, it was found that the petitioner was in possession of Aadhar and Rations both in Andhra Pradesh



W.P.No.18373 of 2025

and Yanam and subsequently, the Ration Card obtained by him Yanam was

deleted from the online data base on 20.10.2022 itself. He has drawn our attention to Paragraph No.6 of the counter affidavit, wherein the details of the Cards held by the petitioner are furnished, which are extracted below:

Document	Andhra Pradesh	Yanam
Ration Card	Card No:2817795836 Address: 1-10, Guthinadeevi	Card No: 466858 Address: 7-12-167, Baloyogi Nagar, Yanam
Aadhar Card	Card No.8858-3472-1949 Address: 1-10, Addala Caluva, Guthinadeevi, Andhra Pradesh	Card No.8858-3472-1949 Address: 01-07-070 GN Naidu Colony Mettakuru, Yanam

7. Learned Additional Government Pleader appearing for the respondents further contended that the residence of either father or mother will be taken into consideration for reckoning the number of years of stay in Yanam and in case both parents are not alive, then the residence of the guardian will have to be taken note of in the light of the guidelines dated 06.10.2003, issued by the Revenue Department. Therefore, it is pleaded that the rejection orders are perfectly valid and do not require any interference by this Court.

8. Heard the learned counsel on either side and perused the



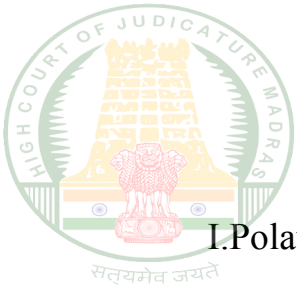
W.P.No.18373 of 2025

material documents available on record.

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9. The petitioner was selected for the post of Fireman under EWS quota. The Government of Puducherry mandated to produce residence and EWS certificates to avail the benefit of reservation under the said quota. In terms of the guidelines dated 06.10.2023, issued by the Revenue Department, Puducherry, it is mandatory for a person to have continuous residence in the Union Territory at least for five years preceding the date of application. It is seen that the petitioner has been residing in the house of his grandparents since 2006. He had undergone 1st to 5th standards in K.S.P.V.R.N.Govt. Primary School, Yanam and thereafter, studied VI to X standards in M.G.G.Boys High School, Yanam for the academic year 2006-2007, 2010-2011 and 2011-2016 respectively. He studied 11th and 12th standards in S.T.P.P.Government Junior College, Yanam from 2016-2018. It is not disputed that the petitioner, after completion of his education, has registered his name and details with the Employment Exchange of Yanam.

10. It is not in dispute that on 28.02.2025, the Tahsildar,

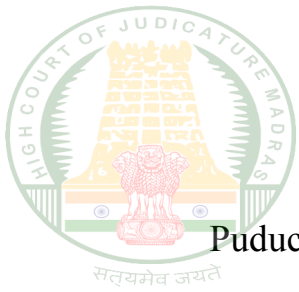


W.P.No.18373 of 2025

WEB COPY

I.Polavaram had certified that the petitioner and his family members are residents of Yanam and they have no lands and house sites in Yanam. On earlier occasion, the petitioner was granted the residence / income certificate from the Deputy Tahsildar (Revenue), Yanam on 21.07.2017. In addition to the above, the petitioner is also in possession of Aadhar Card and Voter ID, carrying Yanam address. The respondents 1 and 2 brushed aside all the above legal documents and refused to grant EWS certificate on the ground of the petitioner having ration card in Andhra Pradesh, which is not sustainable. Now-a-days, getting a Government job is very difficult and though the petitioner was provisionally selected, he is not in a position to enjoy the fruits of selection.

11. A close scrutiny of the guidelines dated 06.10.2003 of the Revenue Department, Puducherry discloses that in exceptional cases and genuine cases, the residence of grandparents, with whom the children are residing and are pursuing their studies in recognized educational institutions in the UT of Puducherry, can be taken note of for the purpose of issue of residence certificate. The petitioner did all his schooling in the UT of



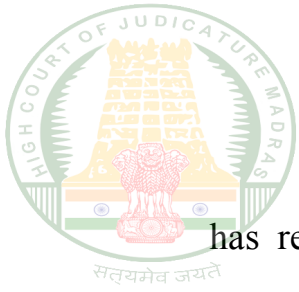
W.P.No.18373 of 2025

WEB COPY

Puducherry, which is not controverted by the respondents and the schools are also recognized in the UT of Puducherry. It is not the case of the respondents that the petitioner has refused to delete his name from the Ration Card issued in Andhra Pradesh. When an attempt was made by the petitioner for deletion of his name, there was an endorsement of the Tahsildar, I.Polavaram to the following effect:

“...Since his name is in the ration card of his grandfather in Yanam, I.Polavaram mandal, he has applied to remove the name of Sri Mallipudi Vara Prasad S/o Rambabu, which is in unit 3, from the ration card number 2817795836 in Guttenadivi village. ***But at present the online (Member DELETION) service to remove the name of Sri Mallipudi Vara Prasad S/o Rambabu from the said ration card no.2817795836 is not available at present, it is informed that the name of Mallipudi Vara Prasad S/o Rambabu can be removed from his ration card after the government provides the service of removal of name from the ration card.***”

12. From the above endorsement, it is clear that the petitioner's name has not been removed from the ration card for want of access to the authorities to do so and as such, the blame cannot be shifted to the petitioner as if he has committed the mistake of having two ration cards, one in Andhra Pradesh and one in Yanam. Moreover, since his parents lived in Andhra Pradesh upto 2014, the name of the petitioner, being one of the legal heirs has been added as a member to the card, which does not mean that he



W.P.No.18373 of 2025

has resided only in Andhra Pradesh, in the absence of any materials to substantiate the same.

13. In an identical situation, a Division Bench of this Court in the case of **Thota Satya Durga vs. The Registrar Recruitment, High Court of Madras and others [W.P.No.36099 of 2024] dated 14.02.2025** held as follows:

“4. From the above documents, it is seen that the petitioner has been a resident of Yanam at least from 2003. Overlooking all these documents and relying upon a particular sentence in guidelines issued for issuance of community certificates to the effect that even if documents are produced, if it is shown that the person is not resident within the Union Territory of Puducherry, the residence certificate need not be issued, the Authority have chosen to reject the claim of the resident certificates. We find that the rejection is wholly illegal.

5. No doubt, a discretion is conferred on the Authorities to ignore certificates issued earlier but, that could be done, upon proof of the fact that the petitioner was not residing in the said address. One circumstance which show that the Authorities had acknowledged that the petitioner is residing in the address namely, Door No.7~10~025, Panchala Street, Yanam is the fact that the order impugned in the writ petition dated 10.10.2024 was communicated to her at the very same address namely, Door No.7~10~025, Panchala Street, Yanam. Therefore, it is clear that the rejection is for extraordinary reasons and not for valid reasons.



W.P.No.18373 of 2025

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6. Hence, this Writ Appeal is allowed. There will be a direction to the Authorities to issue residence certificate within a period of 15 days from the date of receipt of a copy of this order. Once the certificate is issued, the Registrar General will take further action on the claim of the petitioner for appointment as a Multi Tasking Staff, depending upon the marks scored by her. No costs.”

14. In view of what is stated herein-above, we are of the view that the impugned orders are not sustainable and have been passed without proper application of mind and therefore, the same are liable to be set aside.

15. Accordingly, this Writ Petition is allowed. The impugned proceedings of the 1st Respondent dated 16.04.2025 bearing reference No. 1602/STOY/EWS/RES-Refusal/2024/425 r/w the proceedings of the 2nd Respondent dated 06.05.2025 bearing Ref.No.113/DCRY/D1/EWS/2025-26/ are hereby set aside. A direction is issued to the respondents 1 and 2 to issue residential and EWS certificates to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Upon production of certificates, the 3rd respondent shall consider the same and proceed further on the claim of the petitioner for appointment as Fireman, subject to the petitioner fulfilling all other eligibility criteria. No costs. Consequently,



W.P.No.18373 of 2025

connected Miscellaneous Petitions are closed.

WEB COPY

(J.N.B.J.) (M.J.R,J.)
23.07.2025

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WEB COPY



W.P.No.18373 of 2025

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W.P.No.18373 of 2025

23.07.2025