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W.P.No.25382 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	14.07.2025
Pronounced on	17.07.2025

C O R A M

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

W.P.No.25382 of 2025
and
W.M.P.No.28550 of 2025

R.S.Prathiba

. Petitioner

-VS-

1. Union of India,
Rep. by the Secretary to Government (Revenue),
Chief Secretariat, Puducherry-605 001.
2. The Special Secretary (revenue)-cum-
District Collector-cum-District Magistrate,
Department of Revenue and Disaster Management,
I-Floor, New Revenue Complex,
Vazhudavoor Road, Puducherry-605 009.
3. The Tahsildar,
Oulgaret Taluk Office,
Selva Vinayagar Koil Street,
Pakkamudaiyanpet, Lawspet,
Puducherry-605 008.
4. The Coordinator
Centralised Admission Committee (CENTRAC),
Kamarajar Manimandapam, Karuvadikuppam,
Puducherry-605 008.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd Respondent with No.3313/TOO/A/Certi/2025 dated 27.06.2025, quash the same and consequently to direct the 3rd Respondent to issue community certificate to the petitioner based on the community certificate issued to the mother of the petitioner.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.V.Vasanthakukmar
Addl. Govt. Pleader (Pondy)

ORDER

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

This writ petition has been filed, challenging the impugned order of the 3rd Respondent dated 27.06.2025 made in No.3313/TOO/A/Certi/2025 and to direct the 3rd Respondent to issue community certificate to the petitioner based on the community certificate issued to the mother of the petitioner.

2. Mr.V.Vasanthakukmar, learned Additional Government Pleader (Pondy) takes notice for the respondents.

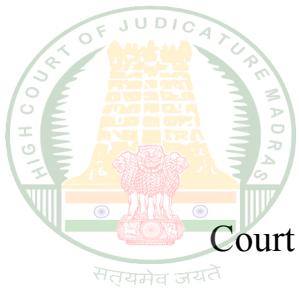


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3. The case of the petitioner is that her parents got married on 22.08.2025 and out of wedlock, they gave birth to two daughters. The petitioner is the elder daughter and has come out successful in her HSC examinations by securing 89% of marks. Since the petitioner has been expecting admission in the professional courses through CENTAC, she applied for a community certificate on the basis of the community and nativity certificates issued to her mother. The marriage of her parents was an inter-caste marriage and her application for community certificate based on her mother's certificate was rejected on that ground.

4. It is further case of the petitioner that the Government Order issued by the Government of Puducherry, facilitating issuance of community certificate on the basis of the community certificate of either of the parents was repealed. Against the repealing Act, a Writ Petition was filed before a Single Judge of this Court, in which, this Court directed the authorities to issue community certificate on the basis of the mother's community certificate and the said view has been confirmed by the Division Bench of this Court. When the judgment was taken up before the Supreme



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WEB COPY Court by the Government of Puducherry, the order of the learned Single Judge was upheld by the Supreme Court and the matter has attained finality.

Even thereafter, the respondents have been denying issuance of community certificate on the basis of the mother's nativity / community certificate.

5. It is also case of the petitioner that the denial to issue community certificate on the ground that her parents are inter-caste couple is highly arbitrary and illegal. The petitioner's parents are natives of Puducherry and have obtained Aadhar Card, Voter's Identity Card, Ration Card, etc. The petitioner has been made to run from pillar to post, despite the fact that similarly placed persons have been extended the benefit.

6. The impugned order of rejection has been assailed by the petitioner on the ground that on account of rejection of the application of the petitioner by the 3rd respondent, her legitimate right to apply for professional course under MBC is deprived. Though the petitioner has scored highest marks in the +2 examinations, she is not in a position to apply for higher studies, owing to non-consideration of issuance of



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community certificate by the 3rd respondent. Hence, she has prayed for quashing the impugned order of the 3rd respondent and sought a direction for issuance of community certificate on the basis of her mother's community certificate.

7. Learned counsel for the petitioner has submitted that this Court in a batch of Writ Petitions in W.P.Nos.4063 of 2025, etc, batch decided on 22.05.2025 categorically held that even the Legislature cannot pass an Act, which will overrule the judgments of the High Court and Supreme Court and the Executive is bound by the judgments of the Constitutional Court. The relevant portions of the judgment are extracted hereunder:

“9. It is a settled position of law that a legislature can always remove the basis of an order, but the Legislature cannot pass an Act, which will overrule the judgments of the High Court and Supreme Court. When the Legislature itself is not empowered to overrule the judgments, the Executive is bound, hand and foot, by the judgments of the Constitutional Court.

10. It is surprising that the Government seems to alter the law laid down by the judgments of the Court, after having been a party to the said judgment and not having filed any appeal against those judgments. The Government of Puducherry, being a litigant, is as much bound by a judgment



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of this Court, as a private litigant. It is not open to the Government of Puducherry to alter the position and attempt to overrule the judgments of this Court by passing a Government Order. Hence, the respondents shall consider the individual applications filed by persons, claiming to belong to Scheduled Caste Community and pass orders on its own merits, taking into consideration the decision of the Division Bench of this Court in ***Siva Johnson Kennedy's case [W.P.No.34933 of 2023] dated 21.12.2023*** without driving the individual petitioners to file separate writ petitions as held by this Court in W.P.No.34933 of 2023.”

8. Learned counsel for the petitioner has further submitted that the portal for submitting the on-line application for admission is kept opened from 05.06.2025 to 14.07.2025 and because of the denial of issuance of the community certificate, the petitioner is unable to apply for the same on the ground that she has not enclosed the community certificate.

9. Per contra, learned Additional Government Pleader (Pondy) has contended that with a view to bring on uniformity, the Government order of consideration of community certificate on the basis of the mother's certificate was repealed. The main intention of the Government is to curb fraud in issuing community certificate. A person applying for community certificate cannot be permitted to choose a caste according to his / her whims and fancies, so as to avail reservation benefits. In the absence of

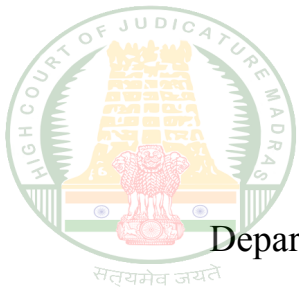


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guidelines, acts or rules to consider issuance of community certificate based on the mother's community certificate, the respondents are not empowered to issue community certificate and therefore, the order of rejection is perfectly valid and does not warrant any interference by this Court.

10. Heard the learned counsel for the petitioner and the learned Additional Government Pleader (Pondy) appearing for the respondents and perused the material documents as well as various judgments of this Court and Supreme Court.

11. The petitioner, who is aspiring to opt for professional courses, applied for community certificate on the basis of her mother's origin. Her mother falls under the category of MBC. The parents of the petitioner belong to two different castes and their marriage was termed as an inter-caste one. According to the respondents, the Government of Puducherry has been following the practice of issuing community certificate based on the residential status of father on the basis of O.M.No.9565/C2/Rev/2000 dated 10.11.2000 issued by Revenue



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Department, Government of Puducherry. The said Official Memorandum is no longer *res integra*. When the Official Memorandum of the Government of Puducherry was questioned before this Court in W.P.No.30841 of 2002, this Court directed the respondents to issue community certificate on the basis of residential status of mother, specifically holding that the certificate could be issued based either on the origin of the father or the origin of the mother. The order of the learned Single Judge was confirmed by the Division Bench and thereafter, upheld by the Hon'ble Apex Court in Civil Appeal No.9082 of 2014.

12. The issue regarding issuance of community certificate on the basis of the origin of the mother has been well considered vide judgment ***dated 04.09.2023 [W.P.No.9586 of 2014]*** of a Division Bench of this Court in which one of us (JNBJ) was a party and directed the respondents therein to issue a caste certificate to the petitioner therein based on the certificate of the mother. For the sake of convenience, the relevant paragraphs of the judgment are extracted hereunder:



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“10. We have already pointed out that, in the State of Puducherry, Hindu Adidraida (Parayar) is considered as Scheduled Caste community. The only issue that we have to see is whether it is the origin of the mother or origin of the father, that has to be considered.

11. The office memorandum which was originally relied upon by the respondents to deny the Scheduled caste benefits to the writ petitioner i.e., dated 10.11.2000 has been declared unconstitutional and it has been upheld by the Division Bench as well as by the Supreme Court. Consequently, the law that is in force today, is the office memorandum dated 03.08.1995 which has been held valid. This position having been approved by the Supreme Court, we have to apply the same to the facts and circumstances of the present case. The facts put forth above would go to show that the petitioner's son was brought up entirely in the State of Puducherry under the care and custody of his mother, who is of Puducherry origin and belongs to Scheduled caste community. Therefore, judgments of this Court will apply in all force to the facts of the case.

12. Accordingly, this writ petition stands allowed. The respondents are directed to issue a caste certificate to the petitioner's son (Bharath Rajan), within a period of four(4) weeks from the date of receipt of a copy of this order. No costs.”

13. In yet another judgment *dated 21.12.2023 [W.P.No.34929 of 2023]*, the Division Bench of this Court, presided over by one of us (JNBJ) followed the ratio laid down in *S.Sumathy's case* and issued a positive direction in favour of the petitioner therein, holding as under:

“14. The order passed in the case of S.Sumathy vs. 1. Union of India Represented by Secretary Revenue,



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Government of Puducherry and another made in W.P.No.9586 of 2014 dated 04.09.2023, is squarely applicable to the case on hand. There is no dispute regarding the fact that the mother of the writ petitioner hails from Hindu Adi Dravida -origin-. It is admitted fact that the petitioner-s mother was a native of Puducherry and belongs to Hindu Adi Dravida ?Origin? community and has a valid birth certificate issued by Ariyankuppam Commune, Panchayat Puducherry.

15. Accordingly, this writ petition is allowed. The respondents are directed to issue community certificate to the petitioner that she belongs to Hindu Adi~Dravida (Origin) Schedule Caste community, within a period of four(4) weeks from the date of receipt of a copy of this order.

16. It is made clear that whenever an application is made for issuance of community certificate based on the mother's origin along with supporting documents, the Revenue Authorities shall satisfy himself on the veracity of the documents and if satisfied shall issue the certificate without driving the individual to seek for separate judicial order. No costs. Consequently connected miscellaneous petition is closed.”

14. It is pertinent to mention here that in the aforesaid judgment, this Court added that in case an application is filed for community certificate based on the origin of the mother, the respondents have to ascertain the veracity of documents without insisting the applicants to obtain a judicial order in a mechanical manner, as the benefit granted to a particular set of persons is applicable to similarly placed persons in terms of



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the judgment of the Supreme Court in the case of **State of Uttar Pradesh**.

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SCC 347.

15. In the case on hand, the petitioner's mother hails from Puducherry and she has been residing in the Union Territory of Puducherry five years prior to the issuance of Nationality Certificate dated 25.06.2023. In addition, the mother of the petitioner was born on 06.03.1977 in Jipmer Hosptial, Pondicherry, which is evident from the Birth Certificate annexed in the typeset of papers. Therefore, looking at any angle, the rejection order passed by the 3rd respondent is unsustainable and the same has been passed without proper application of mind. The petitioner's right to pursue higher studies cannot be deprived for the no fault of her, on account of non-issuance of community certificate. Hence, we are of the view that the order of rejection needs to be interfered with.

16. In the result, this writ petition is allowed. The impugned order of the 3rd Respondent dated 27.06.2025 made in No.3313/TOO/A/Certi/2025 is hereby set aside. The 3rd Respondent is



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directed to issue community certificate to the petitioner, based on the community certificate, issued to the mother of the petitioner forthwith without any further delay. It is made clear that upon production of a copy of the community certificate by the petitioner, the 4th respondent shall consider for admission, on the petitioner fulfilling eligibility criteria without standing on technicalities in respect of closure of online portal on account of expiry of last date. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.) (M.J.R,J.)
17.07.2025

Index: Yes / No
Internet: Yes / No
Speaking Order / Non Speaking Order
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- To:
1. The Secretary to Secretary to Government (Revenue),
Union of India,
Chief Secretariat, Puducherry-605 001.
 2. The Special Secretary (revenue)-cum-
District Collector-cum-District Magistrate,
Department of Revenue and Disaster Management,
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J.NISHA BANU, J.



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AND

M.JOTHIRAMAN, J.

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PRE-DELIVERY ORDER IN
W.P.No.25382 of 2025

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