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W.P.No.27186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	24.07.2025
Pronounced on	11.08.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.27186 of 2025

E.Ramadevi

. Petitioner

-VS-

The Tahsildar,
Villianur Taluk,
Puducherry-605 110.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to issue community certificate to the petitioner's son C.Kishore based on the petitioner's community (mother's origin).

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.V.Vasanthakumar
Addl. Govt. Pleader (Pondy)



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ORDER

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

This writ petition has been filed for a direction to the respondent herein to issue community certificate to the petitioner's son C.Kishore based on the petitioner's community (mother's origin).

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

3. The case of the petitioner is that her parents belong to Hindu Adi Dravida, a Scheduled Caste community and as such, she also belongs to Hindu Adi Dravida Community. Her husband by name Chandran was earlier issued with a Adi Dravidar certificate and later, when an application for fresh certificate was filed, it was rejected on the ground that his father belonged to Vanniar and his mother was said to have migrated to Pondicherry after the Presidential Notification under Article 341 of the Constitution of India dated 05.03.1964.



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4. It is further case of the petitioner that when she applied for a

community certificate for her son on the basis of her origin, she was informed that the community certificate cannot be issued based on the origin of the petitioner, as her husband also does not fall under Scheduled Caste category. The action of the respondent is contrary to the judgment dated 21.12.2023 of this Court passed in W.P.No.34933 of 2023, holding that whenever an application for community certificate is sought based on the origin of the mother, the same shall be considered without driving the individual to file obtain a separate order and the same was approved by the Division Bench of this Court in W.P.No.34929 of 2023 on 19.11.2024. When the order of the Division Bench was challenged before the Apex Court in S.L.P.(Civil) Diary No.56593 of 2024, the same was dismissed as withdrawn.

5. The petitioner has stated that when she is in possession of a valid community certificate, certifying that she belongs to Hindu Adi Dravida Community, her children are automatically entitled to the same status as per the dictum laid down by this Court in a number of cases. The



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respondent, without adhering to the directions issued by this Court, has failed to consider the application of the petitioner. According to the petitioner, her son is pursuing IX Standard in Adiya Vidyasharam Residential School, Porayur, Villianur, Puducherry and the requirement of community certificate is much needed for her son for the XII Standard Board Examinations. Hence, the petitioner is before this Court.

6. Per contra, learned Additional Government Pleader (Pondy) has contended that normally, the issuance of community certificate will be considered on the basis of the original of the father, as it is not permissible to allow a person to choose a particular caste to avail benefits. In that event, the intention of legislature to bring up the downtrodden will be defeated. The petitioner's husband does not fall within the ambit of Hindu Adi Dravida ST community and as such, the claim of the petitioner cannot be granted, ignoring Rules, guidelines, etc., framed from time to time. The Government is very keen to ensure that the benefit of reservation is extended to a right person. In the absence of guidelines, acts or rules to consider issuance of community certificate based on the mother's



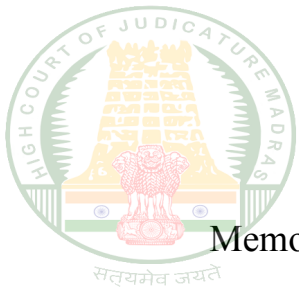
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community certificate, the respondent is not empowered to issue community certificate and therefore, the relief sought for cannot be granted and the Writ Petition needs to be dismissed at the threshold.

7. 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.

8. The petitioner's son is undergoing XI standard in the current academic year and keeping in mind the fact that the community certificate is mandatory, when her son goes to XII standard, the petitioner, being a mother, applied for community certificate for her son on the basis of her own origin. According to the respondent, her husband belongs to Vanniyar community and 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 Department, Government of Puducherry. The said Official



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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 therein 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.

9. 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:

“10. We have already pointed out that, in the State of Puducherry, Hindu Adidravida (Parayar) is considered as Scheduled Caste community. The only issue that we have to see



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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.”

10. 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



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positive direction in favour of the petitioner therein, holding as under:

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

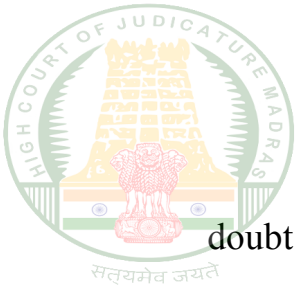
11. Following all the above judgments, the very same Bench



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rendered a positive finding on 17.07.2025 in the case of **R.S.Prathiba vs. Union of India, Rep. by the Secretary to Government (Revenue), Chief Secretariat, Puducherry and others**, directing the respondents therein to issue community certificate to the petitioner, based on the community certificate, issued to the mother of the petitioner forthwith without any further delay. In the said order, this Bench observed 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 separate judicial order in a mechanical manner. Needless to state that the benefit granted to a particular set of persons is applicable to similarly placed persons in terms of the judgment of the Supreme Court in the case of **State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others** reported in **2015 (1) SCC 347**.

12. In the case on hand, the petitioner was born on 02.03.1983 at the Maternity Hospital, Pondicherry, which is evident from the date of birth certificate annexed in the typeset of paper dated 18.05.2010 and the petitioner's son was also born in the Union Territory of Puducherry. It is no



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doubt true that the parents of the petitioner belong to Hindu Adidravida.

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Based on the said certificate, the petitioner has also obtained the community certificate as early as on 03.11.2023 to the effect that she falls under the category of Hindu Adidravida. Therefore, looking at any angle, it can be held that non-issuance of community certificate to the petitioner's son on the basis of the petitioner's origin is not appreciated, which would amount to dereliction of duties by the respondent, as the application for community certificate of the petitioner's son is kept pending for quite a long time without proper application of mind. For the said act of the respondent, there may be a possibility of deprivation of the petitioner son's right to pursue further course of study, on account of non-issuance of community certificate. Hence, we are of the view that the petitioner is entitled to the relief sought for in this petition.

13. In the result, this writ petition is disposed of with a direction to the respondent to issue community certificate to the petitioner's son C.Kishore, based on the petitioner's community (mother's origin) as expeditiously as possible, but not later than four weeks from the date of



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receipt of a copy of this order. No costs.

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(J.N.B.J.,) (M.J.R.J.,)
11.08.2025

Index: Yes / No

Internet: Yes / No

Speaking Order / Non Speaking Order
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Note: Issue order copy on 12.08.2025

To:

The Tahsildar,
Villianur Taluk,
Puducherry-605 110.

J.NISHA BANU, J.



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AND

M.JOTHIRAMAN, J.

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PRE-DELIVERY ORDER IN
W.P.No.27186 of 2025

11.08.2025