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WP No. 31978 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**W.P. No. 31978 of 2025
and W.M.P.No.35820 of 2025**

1. Union Of India Rep By Its
Secretary To Government Education
Department Chief Secretariat
Puducherry and another

2. The Director
Director Directorate Of School
Education Puducherry

Petitioner(s)

Vs

V Isaivani
W/o Karthikeyan Residing At 25,
Illianur Main Raod, Arunparthapuram
Puducherry

Respondent(s)



PRAYER The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records pertaining to the order passed in O.A.No.1644/2015, dated 02.11.2022 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same.

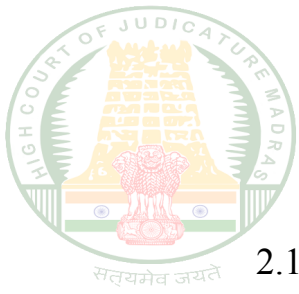
For Petitioner(s): Mr.A.R.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.R.Syed Mustafa
Special Government Pleader

ORDER

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

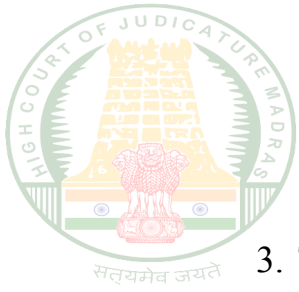
The present Writ Petition is filed for the issuance of a Writ of Certiorari calling for the records pertaining to the order passed in O.A.No.1644 of 2015, dated 02.11.2022 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same.

2. The case of the applicant before the Central Administrative Tribunal is that the petitioner / respondent herein, who belongs to Scheduled Caste community, was born and brought up in Puducherry. The Directorate of School Education had issued a Notification calling for applications for filling up 425 vacancies in the cadre of Primary School Teacher in Puducherry and Karaikal regions. Pursuant to the said Notification, the petitioner applied on 08.06.2025. On 25.09.2025, the respondent issued a provisional selection list, wherein the applicant's name was found at Sl.No.32 under SC category, as she secured 72.23 marks.



2.1. Thereafter, the applicant was called for certificate verification on 20.10.2015. The applicant appeared and produced the community certificate dated 22.06.2001, 02.08.2005 and 18.03.2010 and nativity certificate issued by the revenue authorities on 22.06.2001. However, she was informed by the respondents that she has to produce the certificates issued by the revenue authorities within one year prior to the date of the Notification. Further, she was also intimated that since she married to a person belonging to the State of Tamil Nadu, she would not be entitled for the nativity certificate and as a consequence, not entitled for appointment.

2.2. The applicant immediately applied to the revenue authorities on 29.10.2015 for the certificates and she was issued with a fresh Origin SC certificate. However, the nativity certificate has not been granted by the revenue authorities citing that she married to a person belonging to the State of Tamil Nadu. Upon receipt of the fresh SC certificate, she submitted the same to the respondents, which has been acknowledged and also sought extension of time for producing the nativity certificate as directed by the respondents. Since the same was not issued, she sought for further extension of time which was granted upto 25.11.2025. Further extension of time was sought on 25.11.2025, but, there has been no reply from the respondents. Aggrieved over the same, the applicant had filed Original Petition before the Central Administrative Tribunal, Chennai Bench.



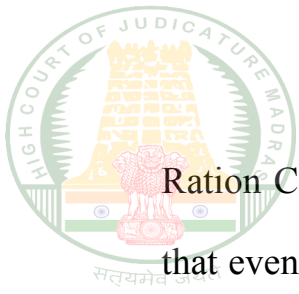
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3. The learned Additional Solicitor General appearing for the petitioner submits that the Tribunal ought to have noticed that reservation benefit can be enjoyed only by those who are residents in the Union Territory of Puducherry. According to the merit, the applicant was selected under SC category only and hence, production of SC Certificate and Nativity Certificate is must to avail the benefit of reservation and failure to produce the required certificates will entail in forfeiture of her claim of benefit of reservation. The learned Additional Solicitor General further submits that the respondent, who claimed herself to be a Scheduled Caste candidate of Puducherry, is required to prove her own statement by documentary evidence as per the Rules in force and if the applicant could not prove her assertion, naturally she is not eligible for appointment under the reserved category.

4. Heard the learned Additional Solicitor General appearing for the petitioner and perused the materials available on record.

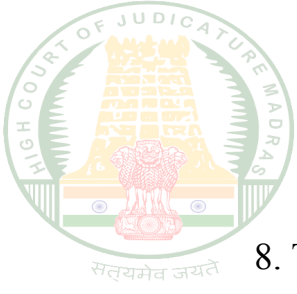
5. Since no adverse order is going to be passed in this Writ Petition, notice to the respondent is dispensed with.

6. The Central Administrative Tribunal had held that undisputedly, the applicant is an Origin SC of Puducherry and she has completed her schooling in Puducherry, registered in the employment exchange of Puducherry and obtained



Ration Card, Voter ID Card, Aadhar Card, etc. in Puducherry address to prove that even after her marriage in 2011, she has been residing in Puducherry along with her husband and parents. G.O.Ms.No.48 dated 12.12.2002 states that the temporary absence of any person will not be a bar when the said person has got clear intention of residing there permanently, for the purpose of obtaining nativity certificate. In order to satisfy the criteria of “ordinary resident” so as to claim Nativity by birth, the applicant should have been staying either by herself or with her family within the Union Territory of Puducherry continuously with a clear intention of residing there permanently, but for temporary absences from such place of residence for reasons of job or education, etc. Therefore, as long as the applicant is able to satisfy that her intention is to return and reside at her place within the Union Territory of Puducherry after her marriage, there is no impediment for the respondents to consider her claim. For the fault of the respondents, the applicant cannot be made to suffer by denying the appointment for which she is eligible and entitled to.

7. Further, the Tribunal directed the respondents therein to issue an appointment order to the applicant to the post of Primary School Teacher without insisting nativity certificate, within three months from the date of receipt of a copy of the order of the Tribunal and allowed the application filed by the applicant/respondent herein.



8. The Central Administrative Tribunal, taking into consideration all these aspects, has rightly allowed the Original Petition filed by the respondent herein. In the considered opinion of this Court, there is no infirmity in the impugned order passed by the Tribunal. The present Writ Petition lacks merit and deserves dismissal.

9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.) (S.SOUNTHAR J.)

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1.V Isaivani

W/o Karthikeyan Residing

25, Illianur Main Raod,

Arunparthapuram Puducherry.

2. The Central Administrative Tribunal,
Chennai Bench.



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