



W.P.No.28886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

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CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.28886 of 2024

A.Manikandan .. Petitioner

v.

1. Union of India
rep.by its Secretary
Department of Revenue and
Disaster Management
Government of Puducherry
Puducherry
2. The Deputy Collector (Revenue) cum
Sub Divisional Magistrate
Office of Deputy Collector (Revenue)
Karaikal
3. The Tahsildar-cum-Executive Magistrate
Taluk Office
Karaikal
4. Directorate of School Education
Government of Puducherry
Perunthalaivar Kamarajar Centenary Educational Complex



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100 Feet Road
Anna Nagar
Puducherry 605 005

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the Respondents relating to the order of the 3rd respondent dated 19.07.2024 bearing Ref.No.2396/TOK/A2/2024 and the order of the 2nd respondent dated 30.08.2024 bearing Ref.No.13509/DCR/SDM/B3/KKL/2024 and quash the same and consequently direct the 2nd and 3rd respondents to issue community certificate to the petitioner as Hindu-Adi-Dravidar as per the Constitution (Pondicherry) Schedule Caste Order, 1964.

For Petitioner :: Mr.R.Saravanan

For Respondents :: Mr.R.Sreedhar
Additional Government Pleader
(Puducherry)

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ petition has been instituted challenging the orders of the original authority and the appellate authority, rejecting the application submitted by the petitioner seeking community certificate that he belongs to Hindu-Adi-Dravidar Scheduled Caste.

2. The petitioner is aged about 32 years. He filed an application



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before the Tahsildar-cum-Executive Magistrate, Karaikal through online for issuance of community certificate. The Tahsildar, during the course of enquiry, found that the writ petitioner and his family migrated from another State (Tamil Nadu) and do not possess any evidence to prove their residential status at Kottucherry Village, Puducherry prior to 05.03.1964. The Tahsildar, however, considered that the petitioner's father was issued a caste certificate vide Constitution (Puducherry) Scheduled Caste Order, 1964, but now the Village Administrative Officer and Revenue Inspector reported that the petitioner originally belongs to native of Tamil Nadu. Accordingly, the application was rejected.

3. The petitioner preferred appeal before the Deputy Collector (Revenue), who in turn also independently considered the details along with the documents produced by the writ petitioner. The appellate authority, considering the enquiry conducted by the Tahsildar with the residents of neighbourhood, noted that the writ petitioner's grandfather late Thiru.Arumugam was not a native of Karaikal District, but from Tamil Nadu. Thereafter, late Thiru.Arumugam had shifted to Karaikal District to

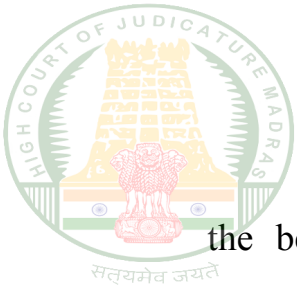


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live along with his relatives. The petitioner would be eligible for issue of caste certificate as Hindu-Adi-Dravidar if there was proof of residence before 05.03.1964. Since the writ petitioner has not produced any proof, the appeal was rejected.

4. The learned counsel for petitioner would submit that caste certificate was issued to the father of the petitioner based on the Presidential notification of the year 1964. Since the father of the petitioner has been issued with caste certificate stating that he belongs to Hindu-Adi-Dravidar community, a similar certificate is to be issued to the petitioner, who is his son.

5. The Court cannot form such an opinion as contended by the writ petitioner. The genuinity of certificate issued to the father of the petitioner also to be enquired into. The father of the petitioner was issued with the caste certificate on 14.01.1992 more than three decades back. In those days, there was no strict procedures to verify the origin, nativity etc. On account of huge unemployment and persons are changing the residences for availing



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the benefits of reservation, the Government of Puducherry has issued various guidelines, particularly noting the fact that many community certificates, nativity certificates are issued to ineligible candidates affecting the rights of the eligible candidates to avail the benefits of reservation in public employment.

6. In the changed scenario, the genuinity of community certificates is to be gone into by conducting a detailed enquiry. Merely by producing the caste certificate of the father or grandfather, the authorities presently cannot issue such certificate. More particularly, the Courts cannot issue any direction to issue community certificate merely on the ground that the petitioner has produced the caste certificate of his father. These are all issues to be gone into on merits with reference to the documents and the evidences available on record. The High Court cannot conduct a roving enquiry into the genuinity of the caste of a person and therefore issuing any direction to issue the community certificate stating that the person belongs to Hindu-Adi-Dravidar community is beyond the realm of the powers of judicial review conferred under Article 226 of the Constitution of India.



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7. Disputed facts are to be adjudicated before the authorities. As of now, both the Tahsildar/original authority and the Deputy Collector (Revenue)/appellate authority found that the petitioner has not produced documents to establish that his family had origin or resided in Karaikal prior to the cut-off date. This requires examination of documents. It is brought to the notice of this Court that merely showing the caste status of the father or some of the relatives, many persons are attempting to secure community certificates stating that they belong to Scheduled Caste or Scheduled Tribe and in the event of issuing any direction by the High Court, it will result in miscarriage of justice to all such eligible and bona fide persons, who will be denied opportunity to secure public employment in the Government of Puducherry. Therefore, the Courts are expected to exercise restraint in issuing direction to issue community certificate to a person and it is to be granted only by conducting enquiry with reference to the documents and the evidences available on record.

8. In the present case, both the original and appellate authorities found that the petitioner has not produced the relevant documents to



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establish his case for issuance of community certificate. The learned counsel for petitioner would submit that the petitioner will submit additional documents to establish his case. The petitioner is always at liberty to submit application along with all necessary documents as sought for by the authorities and in the event of submission of such relevant documents, the case of the petitioner is to be reconsidered by conducting enquiry and verifying the genuinity of those documents and also the eligibility for grant of community certificate. With these observations, the writ petition stands dismissed. Consequently, W.M.P.No.31505 of 2024 is also dismissed. No costs.

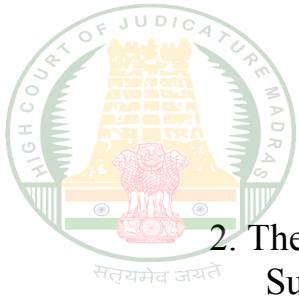
Index : yes
Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)
26.03.2025

SS

To

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Department of Revenue and
Disaster Management
Government of Puducherry
Puducherry



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