



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

WEB COPY

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MRS.JUSTICE N. MALA**

W.P.No.22530 of 2026

Remya.K
Wife of Jithesh Ganga
Kunnummal Krishnapuri
Near Subramanya Temple Chembra,
Mahe - 673 310. ... Petitioner

Vs.

1. The Government of Union Territory of Puducherry,
Represented by its Chief Secretary
Goubert Avenue,
Puducherry - 605 001.

2.The Sub Divisional Magistrate,
Mahe - 673 310.

3.The Deputy Tahsildar (Revenue),
Mahe - 673 310. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records of the order passed by the 2nd Respondent dated 6 May 2026 in Ref.No.1153/SDM/C2/2025-26 confirming the order passed by the 3rd respondent dated 22 August 2025 vide No.982/STOM/T1/2025 and quash the orders and consequentially direct the 3rd respondent to issue an OBC Certificate to petitioner's son minor Aagney R.Jithesh.



WEB COPY

W.P.No.22530 of 2



For Petitioner: M/s.Gopika Nambiar

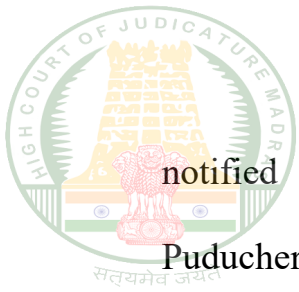
For Respondents: Mr.R.Sreedhar,
Additional Government Pleader
(Pondy)

ORDER

(Order of the Court was made by G.Jayachandran J.)

The petitioner herein, who belongs to Hindu Thiyya community which is prevalent in Kerala, has sought for community certificate for her children. The Deputy Tahsildar (Revenue), Mahe, after considering the application for community certificate, declined to issue community certificate on the ground that the father i.e., the husband of the petitioner belongs to *Kitaran* community (OBC), which is not included in Other Backward Classes (hereinafter referred as 'OBC') list of Union Territory of Puducherry. Since the provisions relating to issuance of community certificates in Union Territory of Puducherry that the community certificate for minor children in the Union Territory of Puducherry is governed strictly by the caste/community status of the father.

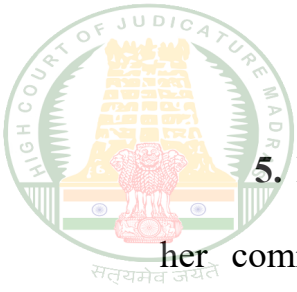
2. The writ petitioner has preferred further appeal to the Government, stating that the community of the mother to be taken into account for the issuance of community certificate, since she and forefathers are residents of Mahe, which is part of the Union Territory of Puducherry at present, though geographically it is nearer to State of Kerala. The Thiyya Community which is



notified as caste falling under the OBC category in Union Territory of Puducherry, there cannot be any impediment for the authorities to issue 'OBC' community to her children. However, the said appeal to the Government rejected by the Sub-Divisional Magistrate, Mahe, *vide* order dated 06.05.2026.

3. Challenging the said order, the present writ petition is filed seeking certiorarified Mandamus, calling for the records of the order passed by the 2nd respondent dated 06.05.2026 in Ref.No.1153/SDM/C2/2025-26, confirming the order passed by the 3rd respondent dated 22.08.2025 *vide* No.982/STOM/T1/2025 and to quash the orders and consequentially direct the 3rd respondent to issue an 'OBC' Certificate to petitioner's son minor Aagney R.Jithesh.

4. Regarding issuance of community certificates to persons in Puducherry based on the community of the mother is a contentious issue discussed in various judgments of this Court as well as by the Hon'ble Supreme Court. Till date, there is no clear direction in this regard. However, every year especially during the beginning of the academic month, children who want to join higher studies face problem in getting community certificates from the Government of Puducherry, particularly when they are either migrants or the community of the father's and mother's are not one and the same.



5. In the present case, the petitioner, though belongs to Puducherry and her community is certified as *Thiyya* (OBC) by the Union Territory of Puducherry. Her husband, who belongs to *Kitaran* Community, which is included in the list of 'OBC' notified by the Union of India, but restricted to the State of Kerala. Unfortunately, the *Kitaran* community is not in any of the lists notified by the Union Territory of Puducherry. Therefore, the Government of Puducherry was not inclined to grant community certificate to the children of the petitioner herein based on the mother's community. At the same time, they are not able to give certificate based on the father's community since the father's community (*Kitaran*) is not included in the 'OBC' schedule of the Union Territory of Puducherry list.

6. Since a very peculiar situation has been brought to our notice, we are of the view that the 3rd respondent/Deputy Tahsildar (Revenue), Mahe, shall issue community certificate to the children of the petitioner based on the father's community and classification as per the Central Government, i.e., *Kitaran* (OBC), as per G.O.Ms. No.8 of 2025, dated 19.03.2025. We make it clear that the direction to the respondents to issue OBC (*Kitaran* community) to the children of the petitioner shall be for educational purposes alone. The above direction to be complied preferably within a period of one week, from the date of receipt of copy of this order.

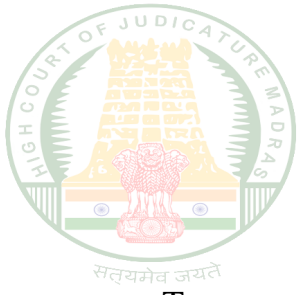


WEB COPY

7. With the above directions, this *Writ Petition is disposed of*. The order passed by the 3rd respondent dated 22.08.2025 vide No.982/STOM/T1/2025 is hereby set aside. There shall be no order as to costs.

(Dr. G.JAYACHANDRAN, J.) & (N.MALA, J.)
24-06-2026

Index :Yes/No.
Neutral Citation :Yes/No.
bsm



To
WEB COPY

1.The Chief Secretary,
Government of Union Territory of Puducherry,
Goubert Avenue,
Puducherry 605 001.

2.The Sub Divisional Magistrate,
Mahe – 673 310.

3.The Deputy Tahsildar (Revenue),
Mahe - 673 310.

4. The Government Pleader, (Pondy)
High Court,
Madras.



WEB COPY

W.P.No.22530 of 2



Dr. G.JAYACHANDRAN, J.
AND
N.MALA, J.
bsm

W.P.No.22530 of 2026

24-06-2026