



Writ Petition No.26953 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.02.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN**

**AND**

**THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Petition No.26953 of 2025**

**and**

**W.M.P.No.30264 of 2025**

P.Priyenka

... Petitioner

Vs

1.The Union of India,

Represented by the Chief Secretary to Government,  
Government of Union Territory of Puducherry.

2.The Secretary to Government,

Health Department,  
Government of Union Territory of Puducherry,  
Puducherry.

3.The Director of Health and Family Welfare Services,

Health Department,  
Government of Union Territory of Puducherry,  
Puducherry.

4.Thulasi N.Nair

... Respondents

**PRAYER:-** Writ Petition filed under Article 226 of the Constitution of India

praying for issuance of Writ of Certiorarified Mandamus calling for the

records pertaining to the impugned order dated 12.03.2025 in

O.A.No.310/00734/2019 passed by the Central Administrative Tribunal,



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Madras Bench and quash the same and to consequently direct the respondents No.1 to 3 to consider the candidature of the petitioner and appoint the petitioner to the Post of Staff Nurse in accordance with her position of merit in the selection list and pass further orders.

For Petitioner : Mr.B.Mughundhan for  
Mr.K.S.Shankar Chakrapani  
For RR1 to 3 : Mr.R.Syed Mustafa  
Special Government Pleader (Pondy)  
For R4 : Mr.S.Sivashanmugam for R4

### **ORDER**

(Order of the Court was made by Hon'ble Mr.K.Kumaresh Babu., J.)

The Writ Petition has been filed challenging the impugned order dated 12.03.2025 in O.A.No.310/00734/2019 passed by the Central Administrative Tribunal, Madras Bench and for a consequential direction to the respondents 1 to 3 to consider the candidature of the petitioner and appoint the petitioner to the Post of Staff Nurse in accordance with her position of merit in the selection list.

2. Heard Mr.B.Mughundhan appearing on behalf of Mr.K.S.Shankar Chakrapani, learned counsel for the petitioner, Mr.R.Syed Mustafa, learned Special Government Pleader (Pondy) appearing on behalf of the respondents



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1 to 3 and Mr.S.Sivashanmugam, learned counsel appearing on behalf of the fourth respondent.

3. The learned counsel for the petitioner would contend that the petitioner had been a resident of Pondicherry and on completing a B.Sc. degree in Nursing had also enrolled herself with the Tamil Nadu Nurses and Midwives Council. He would submit that the first respondent had issued a recruitment notification on 03.09.2017 inviting applications from the eligible citizens who are native residents of Union Territory of Puducherry for the recruitment to the post of Staff Nurse in which 3 vacancies out of 52 were reserved for Mahe region. The notification had specifically indicated that persons who are only natives of Union Territory of Puducherry by continuous residents for the last 5 years immediately preceeding the date of issuance of notification would be eligible to apply for the post.

4. He would submit that though the notification required the applicants to only enclose a self attested copy of nativity/residence certificate obtained within a period of one year preceeding the closing date of notification, the same was subsequently amended with instructions to the



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candidates to apply with the old residence certificate and submit an undertaking to submit a fresh residence certificate after selection or before the date of verification of originals whichever is earlier. He would contend that the petitioner had a nativity certificate that had been issued in the year 2008 and later in the year 2016 and was fully eligible for the post that was notified.

5. On 05.03.2019, names containing the provisionally selected and wait list candidates were published and the petitioner's name was declared to be the first candidate in the waitlist. However, the fourth respondent who was not a native was shown to be as the first candidate in the selection list for the Mahe region. He would submit that the fourth respondent is a native of the State of Kerala and she had got married to a resident in Mahe only in the year 2014 and therefore, the fourth respondent cannot be said to be a continuous resident of Union of Puducherry and her candidature ought to have been rejected.

6. He would further submit that even the nativity certificate of the



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year 2019 of the fourth respondent would indicate that she had been a resident only 5 years prior to the issuance of the certificate which would indicate that she had been a resident of Puducherry only from the year 2014. He would submit that the notification issued in the year 2017 requires a nativity certificate of 5 years on the date of issuance of such notification, which would require a permanent residence atleast from the year 2012, which the fourth respondent does not qualify. Failing to note these aspects, the Tribunal had rejected the case of the petitioner holding that the certificate issued in favour of the fourth respondent would suffice to hold that she is a resident of Puducherry for the past five years and rejected the claim of the petitioner. Hence, he seeks indulgence of this Court.

7. Countering his arguments, the learned Special Government Pleader (Pondy) would submit that the vacancy for which the fourth respondent had been selected was an unreserved category and with regard to the unreserved category, the Hon'ble Division Bench of this Court held that such nativity certificate cannot be insisted as it is open to all citizens of India. Even though, the Government had challenged the same, the Hon'ble Apex Court in the recent judgment leaving open the question of law to be agitated in an



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appropriate case had dismissed the Special Leave Petition filed by the Department. Therefore, in an any event, he would submit that the impugned order or the order of selection of the fourth respondent does not suffer from any irregularity or illegality.

8. The learned counsel appearing for the fourth respondent would submit that on the date of selection/ verification, the fourth respondent had been issued with a residence certificate indicating that the fourth respondent is a resident of the Union Territory of Pondicherry for a continuous period of 5 years. He would submit that the Tribunal had rightly held the certificate issued in favour of the fourth respondent would rightly benefit the fourth respondent and that the selection need not be interfered with. Hence, he would submit that the Writ Petition do not deserve any consideration.

9. In reply, the learned counsel appearing for the petitioner would vehemently contend that the Rules of selection ought not to have been modified and ought to have been only made on the basis of the instructions given in the notification.

10. We have considered the rival submissions made by the learned

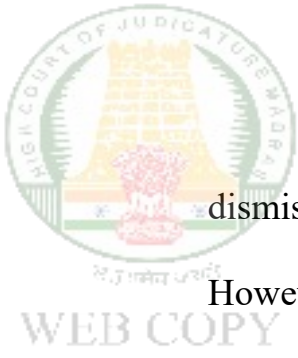


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counsels appearing for their respective parties and had perused the materials available on record.

11. It is an admitted case that the fourth respondent had been selected under the unreserved category. It has been brought on record that the Hon'ble Division Bench of this Court in a judgment in the case of ***Union of India, rep. by Director of Education, Directorate of Education, Pondicherry Vs Central Administrative Tribunal, rep. by Registrar, Chennai and another*** reported in ***2008 (5) MLJ 226*** had categorically held that in respect of an unreserved category, insistence of a nativity certificate cannot be made, as the same is not supported by any parliamentary law. The Hon'ble Division Bench had upheld the directions of the Central Administrative Tribunal directing to consider the applicant for unreserved category without insisting on the requirement of the residential certificate. In such an event, we do not find any reasons to interfere with the orders impugned herein or the selection of the fourth respondent, even though for a different reason that we have come to, as indicated *supra*.

12. For the aforesaid reasons, the Writ Petition fails and is accordingly



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dismissed. Consequently, connected miscellaneous petition is also closed.

However, there shall be no order as to costs.

(C.V.K.,J.) (K.B., J.)  
11.02.2026

Index: Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No  
Gba

To

- 1.The Chief Secretary to Government,  
for The Union of India,,  
Government of Union Territory of Puducherry,  
Chief Secretariat,  
Puducherry – 605 001.
- 2.The Director,  
Department of Health and Family Welfare Service,  
Government of Union Territory of Puducherry,  
Puducherry.



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**and**  
**K.KUMARESH BABU.,J.**

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