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W.P. No.33903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.33903 of 2024
and
W.M.P. No.36720 of 2024
and
W.M.P. No.659 of 2026

Kanakala Suresh

...

Petitioner

Vs

1. The Deputy Tahsildar-cum-
Executive Magistrate
Sub-Taluk Office
Yanam 533 464.
2. The Deputy Collector (Rev)/
The Regional Administrator
Office of the Deputy Collector
(Revenue)
Government of Puducherry
Yanam 533 464.
3. The Secretary to Government (Rev.)
cum District Collector,
Puducherry.
4. Government of Puducherry
rep. by its Director Survey & Land Records
Under Secretary to Government (Survey)
Directorate of Survey and Land Records
II Floor, Revenue Complex, Kamaraj Salai
Saram
Puducherry 605 103.



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5. Secretary to Government (Agri)
-cum-Controller of Examination
Government of Puducherry
Department of Personnel and
Administrative Reforms
(Personnel Wing)
Puducherry.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus after calling for the records from the first respondent relating to the proceedings dated 25/10/2024 bearing Ref.No.755/STOY/EWS-Certificate/2024 read with the proceedings of the fourth respondent dated 28/10/2024 No.39339/DSLRL/Estt.EC-II/2022-23 and quash the same as illegal, arbitrary, without jurisdiction and consequently, direct the first respondent to issue the EWS certificate to the petitioner within a time frame fixed by this Court by protecting the petitioner's selection as Field Assistant Level – 2 in the Directorate of Survey and Land Records, Puducherry based on the result published by the fifth respondent on 10/10/2023.

For Petitioner : Mr.R. Srinivasamurthy
for M/s.Row and Reddy

For Respondents : Ms.Sharadha Vivek
Additional Government Pleader (P)



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ORDER

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The present writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 1st respondent dated 25.10.2024 bearing Ref. No.755/STOY/EWS-Certificate/2024 read with the proceedings of the 4th respondent dated 28.10.2024 in No.39339/DSLRL/Estt./EC-II/2022-23, quash the same and consequently direct the 1st respondent to issue EWS certificate to the petitioner and protect the petitioner's selection to the post of Field Assistant Level-2 in the Directorate of Survey and Land Records, Puducherry.

2. The case of the petitioner is that pursuant to the employment notification dated 12.12.2022 issued by the 4th respondent for recruitment to the post of Field Assistant in the Directorate of Survey and Land Records, Puducherry, he applied under the Economically Weaker Section (EWS) category. He had participated in the written examination held on 08.10.2023 and was placed in the provisional selection list published on 10.10.2023.

3. Thereafter, the petitioner had approached the 1st respondent and submitted his application for issuance of EWS certificate. However, the petitioner's application was rejected by the 1st respondent vide order dated 29.11.2023 on the ground that the petitioner's family possessed a residential property exceeding the permissible extent. Subsequent to rejection order dated



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29.11.2023, he preferred an appeal before the 2nd respondent and the said appeal was also rejected by the 2nd respondent by order dated 01.12.2023.

4. Aggrieved by the aforesaid orders, the petitioner had approached this Court by filing writ petition viz., W.P. No.5932 of 2024. This Court, by order dated 23.09.2024 in W.P. No.5932 of 2024, set aside the earlier orders and remanded the matter to the 1st respondent to reconsider the petitioner's claim for issuance of EWS certification in the light of the subsequent rectification deed executed by the petitioner's father and the report of the Deputy Tahsildar dated 15.04.2024, within a period of four weeks from the date of receipt of a copy of the said order.

5. Pursuant thereto, the petitioner submitted a representation dated 03.10.2024. However, it is the grievance of the petitioner that the 1st respondent again rejected his request for EWS certificate by proceedings dated 25.10.2024. Consequently, the 4th respondent cancelled the petitioner's provisional selection to the post of Field Assistant order vide dated 28.10.2024. Challenging the order dated 25.10.2024 issued by the 1st respondent as well as the proceedings of the 4th respondent dated 28.10.2024, this writ petition has been filed.

6. Learned counsel for the petitioner commenced his arguments by pointing out the contents of the impugned order dated 25.10.2024 and submitted that as per the land records, the property comprised in T.S.No.C/3/85



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measuring 0.01.76 Hectares originally stood in the joint names of the petitioner's grandfather Kanakala Subba Rao and his brother Kanakala Veeranna @ Veeraraju. As per Partition Deed No.229/1986, the said extent was divided between them wherein an extent of 88.81 sq.mts fell to the share of the petitioner's grandfather and 87.92 sq.mts to the share of his brother. The extent of 88.81 sq.mts was subsequently settled in favour of petitioner's father by way of Settlement Deed No.98/2006. He specifically submitted that thereafter the said property was settled by the petitioner's father in favour of the petitioner's sister through Settlement Deed No.29124 of 2022 dated 05.09.2022 and the petitioner was not allotted any property. He strenuously argued that the petitioner did not own any property either in his name or in his father's name, on the date of submitting his application for the said post. He also submitted that a rectification deed dated 31.05.2024 was executed clarifying the actual extent of the site as 83.40 sq.mts.

7. Further, it is the argument of the petitioner's counsel that the respondents have misunderstood the earlier order passed by this Court and mechanically rejected the petitioner's request without properly appreciating the settlement deed and the rectification deed. While concluding his arguments, he submitted that the petitioner was fully eligible for EWS category for the relevant period and thus the impugned order has resulted in cancellation of the petitioner's valid selection to the post of Field Assistant. Hence, the impugned

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orders are liable to be set aside. In view of the above, he prayed for allowing of this writ petition by setting aside the order dated 25.10.2024 issued by the 1st respondent as well as the proceedings of the 4th respondent dated 28.10.2024.

8. Per contra, learned Additional Government Pleader appearing for the respondents submitted that as per the land records, the property measuring 88.81 sq.mts originally belonged to the petitioner's grandfather and subsequently came to the petitioner's father through settlement deed. He further submitted that the petitioner's father settled the property in favour of the petitioner's sister only on 05.09.2022 and the said transaction was made only to enable the petitioner to obtain EWS certificate.

9. Learned Additional Government Pleader further submitted that the rectification deed was executed subsequently reducing the measurement of the property close to the admissible limit and the same appears to have been done with the intention of obtaining EWS benefits. According to the respondents, as per the guidelines issued by the Department of Personnel and Training, the income and asset certificate must relate to the financial year prior to the year of application. Therefore, the Income Certificate dated 19.2.2024 relating to the year 2022-23 produced by the petitioner and the issuance of EWS certificate in favour of the petitioner for the earlier financial years could not be considered and as such the same cannot be accepted for the recruitment process. Hence,



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the rejection of the petitioner's claim and the consequential cancellation of provisional selection are justifiable and any interference is unwarranted. On the aforesaid score, he prayed for dismissal of this writ petition.

10. Heard the rival submissions made by learned counsel on either side and perused the materials available on record.

11. It is not in dispute that the petitioner had applied for the post of Field Assistant pursuant to the notification dated 12.12.2022 and was placed in the provisional selection list under the EWS category. The dispute arises only with regard to the rejection of the petitioner's application for issuance of EWS certificate.

12. On a careful perusal of records, it reveals that the property in question originally belonged to the petitioner's grandfather and subsequently came to the petitioner's father through settlement deed. From the arguments, it is clear that said property was settled in favour of the petitioner's sister by Settlement Deed dated 05.09.2022, much prior to the issuance of the employment notification and the submission of application by the petitioner.

13. Further, this Court in the earlier round of litigation had already set aside the rejection orders and directed the respondents to reconsider the petitioner's claim in the light of the field inspection report and the rectification deed. However, the respondents have once again rejected the petitioner's claim



without properly appreciating the effect of the settlement deed and the factual position that the petitioner did not own any property in his name.

14. It is to be noted that the impugned orders and consequential proceedings have been passed in a mechanical manner without taking into account the actual ownership and possession of the property. When the property had already been settled in favour of the petitioner's sister prior to the relevant period, more particularly before the date of notification and application of the petitioner, the same cannot be treated as an asset belonging to the petitioner for the purpose of determining eligibility under the EWS category. Therefore, this Court is of the considered view that due to the above circumstances, as stated supra, the rejection of the petitioner's request for EWS certificate and the consequential cancellation of the petitioner's provisional selection to the post of Field Assistant are unsustainable. No other tangible materials have been pointed out by the respondents to sustain the said rejection. Further it is to be pointed that in respect of the economic status of the petitioner during the year 2022-2023, the Income Certificate can be produced only in the year 2023-2024, as it is akin to an assessment year and, therefore, the certificate dated 19.02.2024 produced by the petitioner cannot be brushed aside on the score that it has been produced only in the year 2023-2024.



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15. In view of the reasons aforesaid, the impugned proceedings of the 1st respondent dated 25.10.2024 and the consequential proceedings of the 4th respondent dated 28.10.2024 are hereby set aside. The respondents are directed to issue EWS certificate as sought for by the petitioner in his representation and consequently consider the name of the petitioner for restoration in the selection list to the post of Field Assistant in the Directorate of Survey and Land Records, Puducherry. The said exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order.

16. With the aforesaid directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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