

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01581/2013**

**Dated the 8<sup>th</sup> day of January Two Thousand Twenty**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)**  
**&**  
**Hon'ble Mr.T.Jacob, Member(A)**

K.V.V.Satyanarayana,  
S/o Bheemaraju,  
No.1-10-008, Ramannakodu,  
Mettakuru, Yanam,  
Puducherry U.T. .. Applicant  
By Advocate **M/s.V.Ajayakumar**

**Vs.**

Union of India, rep. by the  
Government of Puducherry through the  
Secretary to Government for Department of Personnel &  
Administrative Reforms (DP&AR),  
Chief Secretariat,  
Puducherry. .. Respondent  
By Adovacte **Mr.R.Syed Mustafa**

**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

In short, the applicant's case is that he belongs to OBC category and the respondents had issued a notification on 20.4.12 calling for applications for filling up of the post of UD Clerks and the applicant had applied for the said post and he was selected as Sl.No.1 of the OBC category. He had obtained 55.25 marks in the examination and the result was published on 01.10.2012. Eventhough the name of the applicant came up first in the select list, the respondents had not given any appointment to him. When he had enquired regarding his non-appointment, the respondents had orally informed that the applicant has not produced a proper Community Certificate. According to the applicant, he had produced a Community Certificate dt. 26.3.10 before the respondents but they have not accepted it. According to the applicant, the said Community Certificate is valid till its cancellation by the competent authority. There is no reason to deny appointment to him. So he prays for a direction to the respondents to appoint him as UDC on the basis of rank list published on 01.10.12 with all consequential benefits.

2. The respondents appeared and filed a detailed reply. There is no dispute regarding the notification issued by the respondents and the existence of 13 posts of UD Clerks set apart of the OBC Community in the notification. There is also no dispute that the applicant has applied for the post on online and he had come up in the select list under OBC. But according to the respondents, when the applicant was

called for certificate verification, he could not produce proper Community Certificate and Nativity Certificate as prescribed in the notification. According to the respondents, the applicant has to produce a Community Certificate in the prescribed form from an Officer of Department of Revenue and Disaster Management not below the rank of Deputy Tahsildar and the said certificate should have been issued within 1 year from the date of notification of results of the recruitment test. When the applicant was called for certificate verification on 21.8.13, he had produced a Community Certificate dt. 26.3.10 which was not within the prescribed time limit of 1 year as specified in the notification. The respondents has produced a copy of the said Community Certificate as Annexure R5. Then the applicant sought one week time to produce a fresh Community Certificate and he was granted one week time. But the applicant could not produce the same. The copy of the request made by the applicant is produced as Annexure R7.

3. The main contention put forward by the applicant in this case is that the Community Certificate issued on 26.3.10 is neither cancelled or modified fill date and there is no need to any fresh certificate. The applicant mainly rely on the decision of the Hon'ble High Court in ***S.P.Sakthi Devi v. Collector of Salem & Others [reported in 1984 Writ Law Reporter page 535]*** wherein the Hon'ble High Court has held that a Caste Certificate duly issued y a competent authority can be cancelled only by a competent authority and it is valid till such time. According to the respondents, the applicant had applied for a fresh certificate to the Revenue

Authorities and the Revenue Authorities after conducting enquiry has issued a fresh certificate on 13.8.13 stating that the applicant belongs to Settibalija OBC (Migrant). The applicant did not produce the same as it is not helpful to him. The subsequent certificate issued by the competent authority prevails upon the earlier certificate which was issued on 26.3.2010 and the applicant has suppressed this fact in the OA. The Nativity Certificate produced is also not in the proper form as prescribed in the notification. According to the respondents, on enquiry by the Revenue Authorities it was revealed that the applicant is a native of Neelapalli Village, Taliarevu Mandal, East Godavari District, Andhra Pradesh which is only 2 Kms. From Yanam. So, according to the respondents, he belongs to OBC (Migrant) category and there is no reservation provided for this category in the notification. It was also revealed in the enquiry that the applicant and his family has shifted to Yanam only during the year 2009. They have a house in Nellapalli, Andhra Pradesh. The applicant in this case is aged about 34 years 8 months 9 days as on 31.5.2012 i.e. the cut off date prescribed in the notification. Since there is no reservation for OBC (Migrant) he can only be considered under UR Category and he cannot be considered in that category also as his age had exceeded 32 years. The applicant in this case has applied for the post showing that he belongs to OBC origin and not as OBC (Migrant) and there is no merit in the contention raised by the applicant.

4. We have heard both sides and perused the pleadings. Counsel for the applicant mainly relies on the decision of *S.P.Sakthi Devi's* case referred supra for his contention that when a Caste Certificate is issued by a competent authority it has to be cancelled by a competent authority and till that time it is valid. We have anxiously gone through the decision of *S.P.Sakthi Devi's* case. In that case the applicant who belong to Konda Reddy Community was appointed as Air Hostess in Indian Airlines under the quota reserved for ST. The applicant has produced a certificate issued from the 18<sup>th</sup> Metropolitan Magistrate, Saidapet, Madras which is the prescribed authority for services in the Central Government and in Public Sector Undertaking etc. at that time. The Indian Airlines has sought for genuineness of the Caste Certificate produced by the applicant. Owing to a family feud, a paternal uncle had filed a petition to the Collector stating that she does not belong to Konda Reddy Community. The Collector thereupon issued a letter to the R4 therein stating that the applicant does not belong to Konda Reddy Community and the Indian Airlines issued show cause notice against her. Thereupon the said S.P.Sakthi Devi filed WP before the Hon'ble High Court. In that case, the Hon'ble High Court has held that a Caste or Community Certificate issued by an Empowered Public Authority under seal continues to be valid till it is cancelled by the said authority or by his superior authority.

5. Here, in this particular case, the contention of the respondents is that the applicant has not produced a Caste Certificate and Nativity Certificate as prescribed

in the notification produced as R2. As per the said notification the applicant has to produce the Nativity and Community Certificate as follows:-

“NATIVITY/ RESIDENCE:

Those who are the native of Union Territory of Puducherry and residents by continuous residence in the U.T. for the last 5 years immediately preceding the date of notification only are eligible to apply for the posts. The applicants on selection should furnish the fresh Nativity/Residence Certificate issued by an Officer of the Department of Revenue and Disaster Management not below the rank of Deputy Tahsildar. The Certificate should have been issued within one year from the date of notification of results of the recruitment test.

COMMUNITY CERTIFICATE:

The selected applicants should submit fresh Caster Certificate for MBC/SC/OBC/EBC/BCM/BT obtained in the prescribed form issued by an Officer of the Department of Revenue and Disaster Management not below the rank of Deputy Tahsildar. The certificate should have been issued with one year from the date of notification of results of the recruitment test.”

As per the above conditions, the applicant should produce a fresh Nativity and Residence Certificate from competent authority which was issued within one year from the date of notification and result of recruitment test. Here, according to the respondents, the applicant was called for certificate verification and the applicant has produced a certificate which was issued in the year 2010 which is not sufficient. As per the notification, the applicant has to show that he is residing continuously in the Union Territory for the 5 years immediately preceding the date of notification. So,

the applicant ought to have produced a Caste Certificate subsequent to the issue of notification and result of the examination. Instead of doing the same he has produced an old certificate issued in the year 2010 for applying for appointment. So, from this, it can be seen that as per the notification the applicant has not applied with the certificates required to be produced for appointment. The contention that a Caste Certificate issued once will remain in force till it is cancelled has to be looked into as per the relevant facts and circumstances in this case. In *S.P.Sakthi Devi's* case the applicant was appointed as Air Hostess on the basis of a certificate issued by competent authority as prescribed in the notification and without cancelling the said certificate the Indian Airlines has issued show-cause notice against her holding that the Caste Certificate is not correct. Here, the facts of the case is completely different. The applicant has failed to produce the required Caste Certificate in the prescribed format. Annexure R2 notification clearly states that the applicant should be a native of U.T., if not, continuous residence in the U.T. for 5 years immediately preceding the notification. Annexure R2 notification was issued only in the year 2012. So, the Caste Certificate issued and produced as Annexure R5 is not valid for the selection. It is also revealed during the hearing that the applicant had sought for time for production of fresh Caste Certificate and it was granted to the applicant. The competent authority has also issued a Caste Certificate but the Caste Certificate issued after enquiry was OBC (Migrant) and so he has not produced the same and he

has suppressed the fact in this OA. So, there is actually a fresh certificate issued by the competent authority in favour of the applicant in this case superseding the earlier one.

6. In this case there is no question of cancellation of earlier certificate is in issue. The notification prescribes a particular format of certificate and the applicant has failed to produce a Community/Residence Certificate as prescribed. So, there is no merit in the contentions of the applicant that the earlier certificate still prevails. The facts and circumstances are not similar and the law laid down in the *S.P.Sakthi Devi's* case is not applicable in this case. In the result, we find that there is no merit in the contention put forward by the applicant and the OA lacks merit.

7. Accordingly, OA is dismissed. No costs.

(T.Jacob)  
Member(A)

08.01.2020

(P.Madhavan)  
Member(J)

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